FEDERAL REGISTER

VOLUME 14 NUMBER 14

Washington, Thursday, January 20, 1949

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10029

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE NORTHWEST AIRLINES, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Northwest Airlines, Inc., a carrier, and certain of its employees represented by the International Association of Machinists, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a large section of the country of essential transportation service:

NOW THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Northwest Airlines, Inc., or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 19, 1949.

[F. R. Doc. 49-568; Filed, Jan. 19, 1949; 10:14 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

PART 25—FEDERAL EMPLOYEE PAY REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Administrator, Federal Security Agency, the Commission has determined that positions of three assistants to the Administrator should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.123 (a) is amended by the addition of a subparagraph as follows:

§ 6.123 *Federal Security Agency*—(a) *Office of the Administrator.* • • •

(3) Three assistants to the Administrator.

(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

2. The headnotes of §§ 24.50, 24.53, 24.54, and 24.56 are amended to read as follows:

§ 24.50 *Forest Ecologist (positions involving highly technical research, design, or development, or similar complex scientific functions), P-439-2-5.*

§ 24.53 *Forest Soils Technologist (positions involving highly technical research, design, or development, or similar complex scientific functions), P-491-2-5.*

§ 24.54 *Forester (Forest Management) (positions involving highly technical research, design, or development, or similar complex scientific functions), P-439-2-6.*

§ 24.56 *Silviculturist (positions involving highly technical research, design, or development, or similar complex scientific functions), P-439-2-5.*

(Sec. 5, 58 Stat. 388; 5 U. S. C. 854)

3. The final sentence in § 25.221 and the final sentence in § 25.502 (b), both

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

of which read, "Positions filled by temporary appointment under the Temporary Civil Service Regulations are temporary for the purpose of this subpart" are hereby revoked.

4. Subparagraphs (1) and (4) of § 25.223 (b) are amended to read as follows:

§ 25.223 *Equivalent increase in compensation.* * * *

(b) * * *

(1) Increases in basic rates of compensation provided by section 405 of the Federal Employees Pay Act of 1945, or section 2 of the Federal Employees Pay Act of 1946, or Title III of the Postal Rate Revision and Federal Employees Salary Act of 1948;

* * * * *

(4) An increase made for the specific purpose of correcting an error in a previous demotion or reduction in pay, as the result of administrative review, the decision of a statutory efficiency rating board of review, a reduction-in-force appeal, reallocation of the position to former or intermediate grade upon appeal, or an appeal under section 14 of the Veterans' Preference Act of 1944.

5. The amendments to Part 25 shall be effective one month from the date of publication in the FEDERAL REGISTER.

(Sec. 605, 59 Stat. 304; 5 U. S. C. 945)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 49-485; Filed, Jan. 19, 1949; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Tangerine Reg. 81]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.421 *Tangerine Regulation 81*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 24, 1949, and ending at 12:01 a. m., e. s. t., January 31, 1949, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches)

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and "U. S. No. 3" and "standard pack" shall each have the same meaning as is given to the respective term in the United States Standards for Tangerines (13 F. R. 4790) (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR and Supps. Part 933)

Done at Washington, D. C., this 18th day of January 1949.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-537; Filed, Jan. 19, 1949; 9:23 a. m.]

[Grapefruit Reg. 108]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.422 *Grapefruit Regulation 108*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 24, 1949, and ending at 12:01 a. m., e. s. t., February 21, 1949, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 2 Russet, or lower than U. S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit of any variety, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F. R. 4787) (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR and Supps. Part 933)

Done at Washington, D. C., this 18th day of January 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-536; Filed, Jan. 19, 1949; 9:23 a. m.]

[Orange Reg. 157]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATIONS OF SHIPMENTS

§ 933.420 *Orange Regulation 157*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this

section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for such effective date.

(b) *Order* (1) During the period beginning at 12:01 a. m., e. s. t., January 24, 1949, and ending at 12:01 a. m., e. s. t., January 31, 1949, no handler shall ship:

(i) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container;

(iv) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area I or Regulation Area II which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in Regulation Area I or Regulation Area II which (*a*) grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade or (*b*) are of a size larger than a size that will pack 200 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vi) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used in this section, the term "handler," "ship," "Regulation Area I," "Regulation Area II," and "Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," U. S. No. 3," "standard pack," "container," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Oranges (13 F R. 5174, 5306) (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR and Supps. Part 933)

Done at Washington, D. C., this 18th day of January 1949.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-535; Filed, Jan. 19, 1949; 9:22 a. m.]

[Orange Reg. 264]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.410 *Orange Regulation 264*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp. 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 23, 1949, and ending at 12:01 a. m., P s. t., January 30, 1949, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1. 200 carloads;

(*b*) Prorate District No. 2: 500 carloads;

(*c*) Prorate District No. 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 19th day of January 1949.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Jan. 23, 1949, to 12:01 a. m. Jan. 30, 1949]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Lindsay	.0000
A. F. G. Porterville	.0000
A. F. G. Sides	.0000
Ivanhoe Cooperative Association	.0000
Doffiemyer, W. Todd & Son	7235
Earlibest Orange Association	1.4416
Elderwood Citrus Association	1.0801
Exeter Citrus Association	3.2093
Exeter Orange Growers Association	1.5586
Exeter Orchards Association	1.6918
Hillside Packing Association	2.1165
Ivanhoe Mutual Orange Association	1.3361
Klink Citrus Association	5.7049
Lemon Cove Association	2.2343
Lindsay Citrus Growers Association	3.2540
Lindsay Cooperative Citrus Association	1.7004
Lindsay District Orange Co	1.4337
Lindsay Fruit Association	2.1312
Lindsay Orange Growers Association	1.1167
Naranjo Packing House Co	1.1912
Orange Cove Citrus Association	4.0049
Orange Cove Orange Growers	2.7062
Orange Packing Co	1.4797
Orosi Foothill Citrus Association	1.5159
Paloma Citrus Fruit Association	1.3225
Rocky Hill Citrus Association	2.1407
Sanger Citrus Association	4.6707
Sequoia Citrus Association	1.2375
Stark Packing Corp	2.7472
Visalia Citrus Association	1.9316
Waddell & Son	2.3039
Butte County Citrus Association, Inc	1.6967
James Mills Orchard Co	1.0774
Orland Orange Growers Association, Inc	1.1047
Andrews Brothers of Calif	0000
Baird-Neece Corp	2.2250
Beattie Association, Agnes M	.0000
Grand View Heights Citrus Association	2.6837
Magnolia Citrus Association	2.8892
Porterville Citrus Association, The	1.8627
Riehgrove-Jasmine Citrus Association	0000
Sandilands Fruit Co	2.0850
Strathmore Coop. Association	2.0996
Strathmore District Orange Association	1.8349
Strathmore Fruit Growers Association	1.4919
Strathmore Packing House Co	2.1570

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Sunflower Packing Association, Inc.	3.2015
Sunland Packing House Co.	3.2025
Terra Bella Citrus Association	1.3442
Tule River Citrus Association	1.5007
Kroelis Packing Co.	.0000
Lindsay Mutual Groves	.0000
Martin Ranch	1.6682
Woodlake Packing House	.0000
Anderson Packing Co., R. M.	.5207
Baker Bros.	.1542
Batkin Jr., Fred A.	.0000
California Citrus Groves, Inc., Ltd.	.0000
Chess Co., Meyer W.	4987
Edison Groves Co.	.0000
Evans Brothers Packing Co.	.0000
Exeter Groves Packing Co.	.0000
Furr, N. C.	7234
Ghianda Ranch	.0000
Harding & Leggett	1.8757
Justman-Frankenthal Co.	.0000
Lo Bue Bros.	1.0686
Marks, W. & M.	.0000
Panno Fruit Co., Carlo	.2774
Randolph Marketing Co.	.0000
Reimers, Don H.	.0000
Rooke Packing Co., B. G.	.0000
Shong, Samuel C.	.0573
Webb Packing Co., Inc.	.0000
Wollenman Packing Co.	1.4302
Woodlake Heights Packing Corp.	.0000
Zaninovich Bros.	.9516

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.3311
A. F. G. Corona	.2732
A. F. G. Fullerton	.0411
A. F. G. Orange	.0354
A. F. G. Riverside	7104
Hazeltine Packing Co.	.0557
Placentia Pioneer Valencia Growers Association	.0565
Signal Fruit Association	.9346
Azusa Citrus Association	.9733
Damerel-Allison Co.	1.1086
Glendora Mutual Orange Association	4830
Irwindale Citrus Association	4164
Puente Mutual Citrus Association	.0430
Valencia Heights Orchards Association	.1824
Covina Citrus Association	1.6243
Covina Orange Growers Association	4711
Glendora Citrus Association	.9392
Glendora Heights Orange and Lemon Growers Association	.1560
Gold Buckle Association	3.0830
La Verne Orange Association	4.3649
Anaheim Citrus Fruit Association	.0762
Anaheim Valencia Orange Association	.0230
Eadington Fruit Co., Inc.	.2958
Fullerton Mutual Orange Association	.2088
La Habra Citrus Association	.1184
Orange County Valencia Association	.0307
Orangethorpe Citrus Association	.0203
Placentia Cooperative Orange Association	.0285
Yorba Linda Citrus Association, The	.0101
Alta Loma Heights Citrus Association	.3253
Citrus Fruit Growers	1.0498
Cucamonga Citrus Association	4558
Etiwanda Citrus Fruit Association	.2266
Mountain View Fruit Association	.1455
Old Baldy Citrus Association	4156
Rialto Heights Orange Growers	4373
Upland Citrus Association	2.3037

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Upland Heights Orange Association	0.9828
Consolidated Orange Growers	.0214
Frances Citrus Association	.0046
Garden Grove Citrus Association	.0375
Goldenwest Citrus Association	.0856
Olive Heights Citrus Association	.0517
Santa Ana-Tustin Mutual Citrus Association	.0187
Santiago Orange Growers Association	.1603
Tustin Hills Citrus Association	.0390
Villa Park Orchard Association	.0332
Bradford Bros., Inc.	.2053
Placentia Mutual Orange Association	.1655
Placentia Orange Growers Association	.2165
Yorba Orange Growers Association	.0344
Call Ranch	.5805
Corona Citrus Association	.8731
Jameson Co.	.3754
Orange Heights Orange Association	1.3932
Crafton Orange Growers Association	1.3186
East Highlands Citrus Association	.4246
Fontana Fruit Growers Association	.4781
Highland Fruit Growers Association	.6243
Redlands Heights Groves	.9358
Redlands Orangedale Association	.9747
Break & Son, Allen	.2630
Bryn Mawr Fruit Growers Association	1.1625
Mission Citrus Association	7450
Redlands Cooperative Fruit Association	1.8756
Redlands Orange Growers Association	1.0718
Redlands Select Groves	4694
Rialto Citrus Association	.6030
Rialto Orange Co.	.3121
Southern Citrus Association	.9729
United Citrus Growers	7063
Zilen Citrus Co.	7549
Andrews Bros. of California	.0797
Arlington Heights Citrus Co.	7370
Brown Estate, L. V. W.	1.6925
Gavilan Citrus Association	1.8371
Hemet Mutual Groves	.2602
Highgrove Fruit Association	7341
Krinard Packing Co.	1.6401
McDermont Fruit Co.	1.8110
Monte Vista Citrus Association	1.3697
National Orange Co.	.8803
Riverside Heights Orange Growers Association	1.2881
Sierra Vista Packing Association	.8283
Victoria Avenue Citrus Association	2.4236
Claremont Citrus Association	1.1634
College Heights Orange and Lemon Association	1.2529
El Camino Citrus Association	4203
Indian Hill Citrus Association	1.2153
Pomona Fruit Growers Exchange	1.0577
Walnut Fruit Growers Association	4604
West Ontario Citrus Association	1.1292
El Cajon Valley Citrus Association	.1711
Escondido Orange Association	.4635
San Dimas Orange Growers Association	1.2703
Ball & Tweedy Association	.0683
Canoga Citrus Association	.0741
Covina Valley Orange Co.	.2457
North Whittier Heights Citrus Association	.1295
San Fernando Fruit Growers Association	.3469
San Fernando Heights Orange Association	.3486
Sierra Madre-Lamanda Citrus Association	.2269

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Camarillo Citrus Association	0.0094
Fillmore Citrus Association	1.1452
Ojai Orange Association	.8483
Piru Citrus Association	1.0202
Santa Paula Orange Association	.1127
Tapo Citrus Association	.0594
East Whittier Citrus Association	.0036
El Ranchito Citrus Association	.0590
Whittier Citrus Association	.1330
Whittier Select Citrus Association	.0310
Anaheim Cooperative Orange Association	.0522
Bryn Mawr Mutual Orange Association	.4344
Chula Vista Mutual Lemon Association	.1223
Escondido Cooperative Citrus Association	.0392
Euclid Avenue Orange Association	3.0104
Foothill Citrus Union, Inc.	.1693
Fullerton Cooperative Orange Association	.0272
Garden Grove Orange Cooperative, Inc.	.0228
Golden Orange Groves, Inc.	.3090
Highland Mutual Groves	.3235
Index Mutual Association	.0036
La Verne Cooperative Citrus Association	3.6968
Mentone Heights Association	.6652
Olive Hillside Groves, Inc.	.0130
Orange Cooperative Citrus Association	.0294
Redlands Foothill Groves	2.9034
Redlands Mutual Orange Association	.9302
Riverside Citrus Association	.2682
Ventura County Orange and Lemon Association	.1756
Whittier Mutual Orange and Lemon Association	.0199
Babijuice Corporation of Calif.	.4371
Cherokee Citrus Co., Inc.	1.2839
Chess Co., Meyer W.	.2560
Evans Bros. Packing Co.	1.1181
Gold Banner Association	2.0234
Granada Packing House	.2921
Hill Packing House, Fred A.	.6593
Inland Fruit Dealers, Inc.	.3707
MacDonald Fruit Co.	.0936
Orange Belt Fruit Distributors	1.7127
Panno Fruit Co., Carlo	.1903
Paramount Citrus Association	.0604
Placentia Orchard Co.	.0706
San Antonio Orchard Co.	1.1864
Snyder & Sons, W. A.	7126
Torn Ranch	.0499
Wall, E. T.	1.7133
Western Fruit Growers, Inc., Redlands	3.2184

[F. R. Doc. 49-573; Filed, Jan. 19, 1949; 11:56 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders), Department of Agriculture

PART 1596—FOOD IMPORTS

REDESIGNATION OF CHAPTER

EDITORIAL NOTE: In Title 7, Chapter XI, Part 1596 has been redesignated as Part 4—War Food Orders (PMA) Subtitle A of the same title, and § 1596.1 has been redesignated § 4.1.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

Correction

In Federal Register Document 49-306, appearing at page 158 of the issue for Thursday, January 13, 1949, the following corrections should be made:

In the second sentence of § 151.4 the word "certificate" should read "certificates"

In the table under § 151.10 (b) (1) under the column headed "Sheep" the word "Cheviet" should read "Cheviot"

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 236—PAYMENTS OF BENEFITS OF $1,000 OR LESS

PAYMENT WITH OR WITHOUT FORMAL ADMINISTRATION

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U. S. C. 228j) the title to Part 236 is amended as set forth above and § 236.1 of the regulations under such act (4 F. R. 1477; 12 F. R. 466) is amended, approved by the Board, to read as follows:

§ 236.1 *Payment with or without formal administration.* When the amount payable under the Railroad Retirement Act to the estate of a deceased individual is $1,000, or less, and no administrator or executor has been or is expected to be appointed, or where the estate of the deceased has been closed and reopening thereof is not expected, the director of retirement claims, and any employee designated by him for the purpose, is hereby authorized to require formal administration of the estate in the first case, or reopening of the estate in the other; or to make certification for payment, without such requirements, to such person or persons and in such proportions as would be the case if the estate were administered under the laws of the state of last domicile of the deceased. (Sec. 10, 50 Stat. 314; 45 U. S. C. 228j)

Dated: January 13, 1949.

By authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 49-483; Filed, Jan. 19, 1949; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OF INTERPRETATION

LABELING PENICILLIN-CONTAINING DRUGS FOR VETERINARY USE

Correction

In F. R. Document 49-402, appearing in the issue for Tuesday, January 18, 1949, at page 239, the following change should be made:

In column 3, page 241, line 20 should read "liter, applied one or more times per day"

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter G—Enrollment and Reallotment of Indians

PART 53—REVISION OF THE ROLL OF THE INDIANS OF CALIFORNIA APPROVED MAY 17, 1933

Sec.
53.1 Definitions.
53.2 Purpose.
53.3 Applications.
53.4 Proof of relationship.
53.5 Establishment of Indian Committees.
53.6 Distribution of alphabetical list of enrollees on 1933 roll.
53.7 Preparation of list of qualified applicants.
53.8 Rejected applications.
53.9 Certificate.
53.10 Preparation of list of deceased enrollees.
53.11 Action by the Secretary of the Interior.
53.12 Special instructions.

AUTHORITY: §§ 53.1 to 53.12 issued under Pub. Law 852, 80th Cong.

§ 53.1 *Definitions.* As used in this part:

(a) "Director" means State Director, California Indian Agency.

(b) "Enrolling Agent" means State Director, California Indian Agency, or such other persons as may be designated by him to assist in the enrollment work.

(c) "Ancestor" means an enrollee on the roll of May 17, 1933.

§ 53.2 *Purpose.* The regulations in this part are to govern the revision, in accordance with the provisions of the act of June 30, 1948 (Public Law 852, 80th Cong.) of the roll of the Indians of California prepared in accordance with the provisions of the act of May 18, 1928 (45 Stat. 602) as amended by the act of April 29, 1930 (46 Stat. 259) and approved by the Secretary of the Interior on May 17, 1933. The said roll is to be revised by preparing two supplementary lists, as hereinafter provided, one of which shall contain the names of enrollees listed on the said roll who have died since May 18, 1928, and the other of which shall contain the names of children, and their descendants, now living, born since May 18, 1928, to enrollees qualified under section 1 of the act of May 18, 1928, as amended, whose names appear on the said roll.

§ 53.3 *Applications.* Persons who believe that they are entitled to enrollment with the Indians of California may, on or before midnight of June 29, 1949, submit applications in writing to the Director for enrollment. Application forms shall be obtained from the enrolling agent. All applications, when executed, shall be filed with the enrolling agent. Applications for minors may be filed by parents, natural guardians, or other persons responsible for their care. Each application shall contain:

(a) The name of the ancestor or ancestors through whom enrollment rights are claimed.

(b) The roll number of each ancestor.

(c) The relationship of the applicant to each ancestor.

(d) The present address of each ancestor, if living.

(e) The date of death of each ancestor, if deceased.

(f) An acknowledgement before a notary public or a postmaster.

§ 53.4 *Proof of relationship.* At the time of filing the application, the applicant shall furnish (a) a copy of the applicant's birth certificate; or (b) two or more affidavits executed before a notary public or a postmaster by disinterested persons having personal knowledge of the birth of the applicant and of his relationship to the ancester or ancestors through whom enrollment rights are claimed. The Director may request the applicant to furnish additional information and evidence when the Director deems it advisable to do so.

§ 53.5 *Establishment of Indian Committees.* The Indians of each community may elect a committee of three enrollees to aid the enrolling agent in any matters relating to the revision of the roll of the Indians of California. Each community electing a committee shall notify the director promptly of the names and addresses of the committeemen.

§ 53.6 *Distribution of alphabetical list of enrollees on 1933 roll.* The Director shall prepare and distribute to the Indians of California not less than three thousand (3,000) copies of a printed list of the names, arranged alphabetically, of the Indians on the roll of the Indians of California approved May 17, 1933. Distribution of the list shall be made through Indian sub-agencies, Indian communities, post offices, and such other agencies as the Director may determine. In addition to the name of each enrollee, the list shall also indicate the enrollee's address, age at time of enrollment, and roll number, as these data appear on the approved roll.

§ 53.7 *Preparation of list of qualified applicants.* On the basis of the applications received, the Director shall prepare a list, in quadruplicate, of the names of children and their descendants, now living, born since May 18, 1928, to enrollees qualified under section 1 of the act of May 18, 1928, as amended, whose names appear on the roll of May 17, 1933.

§ 53.8 *Rejected applications.* If, the Director determines that an applicant does not meet the qualifications specified in § 53.7, he shall notify the applicant of his determination, and the reason therefor. Such applicant shall then have 20 days from the date of the mailing of the notice to him within which to furnish to the Director additional data to substantiate his claim to enrollment. After reviewing the cases of all rejected applicants who submit additional data within the prescribed time, the Director shall add to the list of qualified applicants the names of previously rejected applicants who, in his judgment, are entitled to enrollment.

§ 53.9 *Certificate.* The Director shall affix a certificate to the list of qualified applicants, certifying that the list to the best of his knowledge and belief, contains only the names of Indians entitled to enrollment with the Indians of California in accordance with the provisions of the act of June 30, 1948.

§ 53.10 *Preparation of list of deceased enrollees.* The Director shall also prepare in quadruplicate and certify in a similar manner a list of the names of enrollees on the roll of May 17, 1933, who have died since May 18, 1928. The list shall indicate, in addition to their names, the addresses, roll numbers, and dates of death of the enrollees.

§ 53.11 *Action by the Secretary of the Interior.* As promptly as possible after completion of the lists of qualified applicants and of deceased enrollees, the Director shall forward the lists, together with all applications and any other pertinent data relating to the applicants, to the Secretary of the Interior through the Commissioner of Indian Affairs, for review and action by the Secretary.

§ 53.12 *Special instructions.* To facilitate the work of the Director, the Commissioner of Indian Affairs may issue to him special instructions not inconsistent with the regulations of this part.

[SEAL] J. A. KRUG,
Secretary of the Interior.

JANUARY 13, 1949.

[F. R. Doc. 49-478; Filed, Jan. 19, 1949; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 40]

PART 152—REGULATIONS UNDER THE MARIHUANA TAX ACT OF 1937

SPECIAL TAX ON, REGISTRATION OF, AND EXEMPTIONS FOR CERTAIN TRANSFERS TO, MILLERS

Correction

Federal Register Document 49-295, appearing at page 180 of the issue for Thursday, January 13, 1949, inadvertently designated T. D. 39, should be designated "T. D. 40" as set forth above.

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 201—GENERAL REGULATIONS

MANUFACTURER OR REGULAR DEALER

Pursuant to authority vested in me by the Walsh-Healey Public Contracts Act (49 Stat. 2038; 41 U. S. C. 38), § 201.101, paragraph (b) is hereby amended by adding two new subparagraphs, (5) and (6), to read as follows:

§ 201.101 *Manufacturer or regular dealer.* * * *

(b) * * *

(5) A regular dealer in raw cotton may be a person who owns, operates or maintains a store, warehouse, or other place of business in which materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles or equipment.

(6) A regular dealer in green coffee may be a person who owns, operates or maintains a store, warehouse, or other place of business in which materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles or equipment.

(49 Stat. 2038; 41 U. S. C. 38)

The above amendments shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 14th day of January 1949.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 49-567; Filed, Jan. 19, 1949; 10:32 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

UNITED STATES CONSUMER STANDARDS FOR CELERY STALKS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess., approved June 19, 1948) that the United States Department of Agriculture is considering the issuance of United States Consumer Standards for Celery Stalks.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards shall file the same with M. W. Baker, Assistant Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t. on the 20th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.176 *Consumer standards for celery stalks*—(a) *General.* (1) These standards do not apply to celery hearts.

(b) *Grades*—(1) *U. S. Grade AA.* U. S. Grade AA shall consist of stalks of celery of similar varietal characteristics, which are well developed, and have good heart formation: which are clean, well trimmed, fairly compact, and are free from blackheart, brown stem, decay (except dry type crater rot), doubles, and from damage caused by crater rot, wilting, cutworms, freezing, suckers, growth cracks, hollow crown, pithy branches, seedstems, rust, cracked stem, other diseases, insects or mechanical or other means.

(i) The average midrib length of the outer whorl of branches on stalks in this grade shall be not less than 7 inches. (See Blanching and Length of Stalks.)

(ii) Incident to proper grading and handling other than for average midrib length of branches not more than 5 percent, by count, of the stalks in any lot may fail to meet the requirements of the grade including not more than 1 percent for stalks affected by moist type decay. In addition, not more than 3 percent, by count, of the stalks in any lot may fail to meet the requirements as to average midrib length of the stalks.

(2) *U. S. Grade A.* U. S. Grade A shall consist of stalks of celery of similar varietal characteristics which are fairly well developed and have fairly good heart formation; which are clean, well trimmed, and not badly spread, and which are free from blackheart, decay (except dry type crater rot) doubles, and from damage caused by crater rot, brown stem, wilting, cutworms, freezing, suckers, growth cracks, hollow crown, pithy branches, seedstems, rust, cracked stem, other diseases, insects, or mechanical or other means.

(i) The average midrib length of the outer whorl of branches on stalks in this grade shall be not less than 5 inches. (See Blanching and Length of Stalks.)

(ii) Incident to proper grading and handling other than for average midrib length of branches, not more than 5 percent, by count, of the stalks in any lot may fail to meet the requirements of the grade including not more than 1 percent for stalks affected by moist type decay. In addition, not more than 3 percent, by count, of the stalks in any lot may fail to meet the requirements as to average midrib length of the stalks.

(3) *U. S. Grade B.* U. S. Grade B shall consist of stalks of celery of similar varietal characteristics which are fairly well developed, which are clean, well trimmed and free from blackheart, decay (except dry type crater rot) doubles, and from serious damage caused by crater rot, brown stem, wilting, cutworms, freezing, suckers, growth cracks, hollow crown, pithy branches, seedstems, rust, cracked stem, other diseases, insects, or mechanical or other means.

(i) The average midrib length of the outer whorl of branches on stalks in this grade shall be not less than 4 inches. (See Bleaching and Length of Stalks.)

(ii) Incident to proper grading and handling other than for average midrib length of branches, not more than 5 percent, by count, of the stalks in any lot may fail to meet the requirements of this grade including not more than 1 percent for stalks affected by moist type decay. In addition not more than 3 percent, by count, of the stalks in any lot may fail to meet the requirements as to average midrib length of the stalks.

(c) *Blanching.* There are no requirements in the grades as to blanching. However, celery stalks may be classed as "green" when they have a medium to dark green appearance, "fairly well blanched" when the midrib portions of the branches on the stalks are generally of a light greenish to creamy white color, or "well blanched" when the midrib portions of the branches on the stalks are generally of a creamy white color. Not more than 5 percent of the stalks in any lot may fail to meet the requirements of any of the above classes.

(d) *Length of stalks.* There are no requirements in the grades as to stalk length. However, when the stalk length is specified it shall be determined by measuring the distance from where the main root is cut off, to a point which represents the average length of the longest branches and leaves expressed in terms of the nearest whole inch. Incident to proper sizing, not more than 5 percent, by count, of the stalks in any lot may fail to meet any specified stalk length.

(e) *Off-grade celery.* Celery stalks which fail to meet the requirements of any of the foregoing grades shall be Off-Grade celery stalks.

(f) *Definitions.* (1) "Stalk" means an individual plant.

(2) "Similar varietal characteristics" means that the stalks in any container have the same character of growth. For example, celery of Giant Pascal and Golden Self Blanching types must not be mixed.

(3) "Well developed" means that the outer branches are of good width in relation to the length of midribs and type of celery.

(4) "Good heart formation" means that the stalk has a reasonable number of stocky inner heart branches for its size.

(5) "Clean" means that the stalk is practically free from dirt or other foreign materials. Stalks shall be permitted to have a small amount of dirt on the inside of the branches or in the heart branches which cannot be removed by good commercial methods of washing.

(6) "Well trimmed" means that the outside coarse and damaged branches have been removed and that the root or roots have been neatly trimmed to a reasonable length for the size of the stalk.

(7) "Fairly compact" means that the branches are fairly close together on the stalk.

(8) "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Crater rot, when moist, or when occurring on more than 2 branches, or when aggregating more than two-thirds of a square inch on the branch or branches.

(ii) Cutworms, when the worms are present, or when worm injury occurs on the heart branches, or when occurring on the midrib portion of more than two branches, or when aggregating more than one-half of a square inch on the midrib portion of the branch or branches.

(iii) Growth cracks, when the stalk has more than one branch affected by growth cracks any of which are more than one-half inch long.

(iv) Pithy branches, when the midribs of more than one branch are pithy. Pithy branches means those which have a distinctly open texture with air spaces in the central portion.

(v) Seedstems, when the stalk has a seedstem the length of which is more than one and one-half times the greatest diameter of the stalk. The greatest diameter of the stalk shall be measured at a point two inches above the point of attachment of the outer branches to the root. The length of the seedstem shall be measured from the point of attachment of the outer branches at the base of the seedstem to the top of the actual seedstem, exclusive of any leaves or leaf stems attached to the top of the seedstem.

(vi) Rust, when there are more than five hair-like lines of any length on one or more heart branches, or when there is more than one square inch in the aggregate on branches other than heart branches.

(vii) Cracked stem, when there is more than one-half of a square inch in the aggregate on any or all branches.

(9) "Midrib length" of a branch means the distance between the point of attachment to the root and the first node.

(10) "Fairly well developed" means that the outer branches are not spindly or abnormally short and thin.

(11) "Fairly good heart formation" means that the stalk has a moderate number of fairly stocky inner heart branches for its size.

(12) "Serious damage" means any injury or defect which seriously affects the appearance, or edible or shipping quality. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Crater rot, when moist, or when occurring on more than three branches, or when aggregating more than one square inch on the branch or branches.

(ii) Cutworms, when the worms are present, or when worm injury occurs on the heart branches, or when occurring on the midrib portion of more than three branches, or when aggregating more than one square inch on the midrib portion of the branch or branches.

(iii) Growth cracks, when the stalk has more than two branches affected by growth cracks any of which are more than one-half inch long.

(iv) Pithy branches, when the midribs of more than two branches are pithy. Pithy branches means those which have a distinctly open texture with air space in the central portion.

(v) Seedstems, when the stalk has a seedstem the length of which is more than three times the greatest diameter of the stalk. The greatest diameter of the stalk shall be measured at a point two inches above the point of attachment of the outer branches to the root. The length of the seedstem shall be measured from the point of attachment of the outer branches at the base of the seedstem to the top of the actual seedstem, exclusive of any leaves or leafstems attached to the top of the seedstem.

(vi) Rust, when there are more than fifteen hair-like lines of any length on one or more heart branches, or when there are more than one and one-half square inches in the aggregate on branches other than heart branches.

(vii) Cracked stem, when there is more than one square inch in the aggregate on any or all branches.

Done at Washington, D. C., the 14th day of January 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-509; Filed, Jan. 19, 1949; 8:53 a. m.]

[7 CFR, Part 941]

[AMA Docket No. AO-101-A9]

CHICAGO, ILL., MILK MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING SUGGESTED FINDINGS OF FACT AND CONCLUSIONS, AND BRIEFS IN SUPPORT THEREOF

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159, 4904) notice is hereby given that the time for filing suggested findings of fact and conclusions and briefs

in support thereof on the evidence adduced at the public hearing on proposed amendments to the tentative marketing agreement, as amended, and order, as amended, regulating the handling of milk in the Chicago, Illinois, milk marketing area, which was held in Chicago, Illinois, September 21–23, 1948, following the issuance of notice on September 16, 1948 (13 F. R. 5400), is hereby further extended to February 15, 1949.

At the conclusion of the hearing the date for filing was announced as October 25, 1948. Subsequently, at the request of the proponents of the proposed amendments, the time for filing briefs was successively extended for thirty days, and until January 15, 1949. The further extension to February 15, 1949 is also at the request of the proponents of the proposed amendments.

Dated: January 17, 1949.

[SEAL] EARL R. GLOVER,
Acting Assistant Administrator

[F. R. Doc. 49–503; Filed, Jan. 19, 1949; 8:53 a. m.]

[7 CFR, Part 966]

HANDLING OF ORANGES GROWN IN CALIFORNIA OR ARIZONA

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED; DESIGNATION OF AGENT TO CONDUCT REFERENDUM; DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq., 61 Stat. 208, 707), it is hereby directed that a referendum be conducted among the producers who, during the period November 1, 1947, to October 31, 1948, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum) were engaged in the State of California or in the State of Arizona in the production of oranges for market, to determine whether such producers favor the issuance of an order amending Order No. 66 (7 CFR, Cum. Supp., 966.2 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, which is attached to the decision of the Secretary of Agriculture filed simultaneously herewith; and M. T. Coogan, Field Representative, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 1206 Santee Street, 12th Floor, Los Angeles 15, California, is hereby designated agent of the Secretary of Agriculture to perform the following functions:

(1) Conduct said referendum in accordance with the rules and limitations herein set forth, giving an opportunity to each producer of oranges grown in the State of California or the State of Arizona to cast his ballot relative to the aforesaid proposed amendment on forms furnished by the designated agent of the Secretary of Agriculture. A cooperative association of such producers, bona fide engaged in marketing such oranges may vote for the producers who are members of, stockholders in, or under contract with, such cooperative association, and the vote of such cooperative association shall be considered as the vote of all such producers.

(2) Determine the time of commencement, duration, and termination of the period of the referendum: *Provided*, That the referendum shall be completed prior to April 30, 1949.

(3) Determine the necessary number of polling places and designate and announce such polling places, the area to be served by each such polling place, and the hours during which such polling places will be open: *Provided*, That all such polling places shall remain open not less than four (4) consecutive daylight hours during each day announced.

(4) In addition to the designation and announcement of polling places, if the said agent determines it advisable, arrange for balloting by mail, in which event the said agent shall designate the place or places to which such ballots shall be mailed and shall give notice of the last date on which such ballots must be placed in the mail.

(5) Give public notice of the time and place of balloting (a) by posting a notice thereof at least three (3) days in advance of the first voting day at each polling place, (b) by issuing a press release in newspapers having general circulation in the orange producing districts of the States of California and Arizona, and (c) by such other means as the said agent may deem advisable.

(6) Appoint any of the county agricultural extension agents in the counties of California and Arizona, or any other persons deemed necessary or desirable, to assist the said agent in carrying out his duties hereunder: *Provided*, That such county agricultural extension agents and other persons so appointed shall serve without compensation and may be authorized, by the said agent, to perform the following functions in accordance with the rules set forth herein:

(a) Give public notice of the referendum in the manner specified herein.

(b) Preside as a poll officer at a designated polling place.

(c) Distribute ballots to producers and receive such ballots after they are cast.

(d) Secure the name and address of each person casting a ballot and inquire into the eligibility of each such person to vote

(e) Forward to M. T. Coogan, 1206 Santee Street, 12th Floor, Los Angeles 15, California, immediately after the close of the referendum the following: (i) The name and address of each producer who cast a ballot at the polling place designated for such poll officer and whose ballot was received by such officer; (ii) all of such ballots which were received by the officer, together with his certificate that the ballots forwarded are all of the ballots cast and received during the referendum period at the designated polling place; (iii) a statement showing the time and place the notice of referendum was posted and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and (iv) a detailed statement explaining the method used in giving publicity to such referendum.

(7) Upon receipt by the designated agent of all ballots cast and such other documents as are required pursuant hereto, the ballots shall be canvassed by him and the results of the referendum shall be forwarded with the ballots and other required documents to the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

The Fruit and Vegetable Branch shall prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

The designated agent and any appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot shall be challenged by any other person, said agent or appointee shall endorse, above his signature, on the back of said ballot a statement to the effect that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

All ballots shall be treated as confidential and the contents thereof shall not be divulged except to (1) the Secretary of Agriculture, (2) his agent designated herein to conduct such referendum, (3) members of the Production and Marketing Administration, United States Department of Agriculture, (4) members of the Office of the Solicitor, United States Department of Agriculture, and (5) such other persons as the Secretary may hereafter designate.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the rules and the limitations herein set forth, to govern the procedure to be followed by the said agent and appointees in conducting said referendum.

Done at Washington, D. C. this 18th day of January 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49–534; Filed, Jan. 19, 1949; 9:22 a. m.]

[7 CFR, Part 966]

[Docket No. A0164–A1]

HANDLING OF ORANGES GROWN IN CALIFORNIA AND ARIZONA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENTS TO MARKETING ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agree-

ments and orders (7 CFR and Supps. 900.1 et seq., 11 F R. 7737; 12 F. R. 1159, 4904) a public hearing was held at Los Angeles, California, beginning on April 6, 1948, and at Phoenix, Arizona, on April 19, 1948, pursuant to notice thereof published in the FEDERAL REGISTER (13 F. R. 1320, 1611) upon proposed amendments to the tentatively approved marketing agreement, and upon proposed amendments to Order No. 66 (7 CFR, Cum. Supp. 966.2 et seq.) hereinafter referred to as the "order," regulating the handling of oranges grown in the State of California or in the State of Arizona, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration on September 8, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (13 F. R. 5338, 5401, 5663)

Rulings on exceptions to recommended decision. Exceptions to the recommended decision of the Assistant Administrator were filed by or on behalf of the Arizona Orange-Lemon Growers Association, Southern Shippers Group, the California Fruit Growers Exchange, the Independent Citrus Growers and Shippers Association, the Mutual Orange Distributors, and Frank S. Spire. In arriving at the findings and conclusions decided upon in this decision, each of the exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions decided upon herein are at variance with the exceptions pertaining thereto, such exceptions are overruled.

Material issues. Material issues presented on the record of the hearing pertain to amending the marketing agreement and order as follows:

(1) Delete the provisions thereof permitting regulation of the handling of oranges grown in the State of Arizona;

(2) Provide therein that allotment be issued only to handlers owning or controlling mature oranges;

(3) Delete the provisions thereof relevant to prorate districts;

(4) Delete the provisions thereof relevant to the allotment pool or modify the provisions thereof to establish therein definite mechanics whereby allotments may be equitably allocated to facilitate the handling of early maturity and short life oranges;

(5) Provide therein that the Orange Administrative Committee be increased to 11 members by the addition of 4 handler members and that grower committee representation be by districts insofar as practicable;

(6) Provide therein for regulation based on the sizes of oranges;

(7) Define therein "exports" and "diversion";

(8) Provide therein for the regulation of the handling of oranges which handling directly burdens, obstructs, or affects the handling of oranges in interstate or foreign commerce;

(9) Provide therein for the mandatory appointment of a marketing economist by the Orange Administrative Committee;

(10) Provide therein for the establishment and operation of a surplus diversion program;

(11) Provide therein adequate specifications relevant to the handling of oranges which are not subject to regulation under the program;

(12) Provide therein an adequate specification of the contents of reports to be filed by each handler with the Orange Administrative Committee;

(13) Provide therein a new method for adjusting prorate bases in accordance with changes of control of oranges.

Findings and conclusions. The findings and conclusions on the aforesaid material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) Oranges grown in the State of Arizona compete in the market with those grown in the State of California. Oranges grown in both states are packed, in general, under the same grade and size specifications and in the same types of containers. The varieties of oranges grown in both states are identical. Most of the oranges grown in the State of Arizona are marketed by the same marketing organizations marketing the oranges grown in the State of California. Prices received by growers for Arizona oranges during the past three years under the operation of the order have been slightly higher than prices received by growers of California oranges. Oranges grown in some areas of California are marketed under conditions very similar to conditions under which oranges grown in Arizona are marketed. Eastern markets do not differentiate between Arizona oranges and California oranges. Rail freight rates to eastern markets are the same for oranges grown in California and Arizona.

Production of oranges in Arizona would be greatly accelerated if the handling of oranges grown in that State were not regulated, inasmuch as producers therein would share in the benefits of regulation of shipments of oranges grown in California without assuming any of the burden of such regulation. It would be unfair to California growers and handlers of oranges to exclude Arizona orange shipments from the burden of regulation because growers and handlers in both States receive substantially identical benefits from such regulation. Regulation for oranges grown in both States should be recommended by the same administrative committee to integrate and coordinate regulation under the marketing agreement and order to afford growers and handlers therein the maximum benefit from regulation. The present marketing agreement and order program is concerned with problems which arise in every area producing oranges in both States and should, therefore, continue to cover all of such areas within these States.

On the basis of the foregoing findings and reasons it is hereby found and concluded that the marketing agreement and order regulating the handling of oranges grown in the State of California or in the State of Arizona should continue to regulate the handling of oranges grown in both of said States.

(2) Oranges must be mature to afford consumer satisfaction and to be shipped under statutes of the States of California and Arizona. Undue delay in affording handlers an opportunity to market mature oranges or oranges of short life results in the deterioration of such fruit and in financial losses.

Mature oranges and oranges of short life should be afforded an opportunity to be shipped to market during the normal marketing season of such oranges (subject to the ability of the market to absorb such oranges at prices declared in the act to be the policy of Congress to establish) regardless of the location of production of such oranges in the States of California and Arizona. Handlers of such oranges in California and Arizona should be afforded an opportunity under the marketing agreement and order to proportionately share marketing opportunities for such oranges, through proportionate allocation of allotment, so that each handler is permitted to ship that percentage of each variety of such oranges to market, during the normal life thereof, as will equal, insofar as may be practicable, the average percentage of such varieties to be shipped by all handlers of such varieties grown in said states, subject to restriction of such marketing opportunities for all oranges produced in such states to such volume of shipment as will result in obtaining prices therefor declared in the act to be the policy of Congress to establish.

Oranges of any one variety in any one geographical section in the States of California and Arizona do not necessarily attain maturity on the same date as other oranges of the same variety in the same geographical section. Scientific tests can definitely determine, under substantially identical statutes in California and Arizona, when oranges are mature. While a particular orange grove, or part thereof, in any part of such states does not necessarily mature on the same date in successive years, such grove, or part thereof, will mature at approximately the same relative time each year in relation to other groves of the same variety in the same geographical section, thereby supplying maturity patterns which will minimize administrative difficulties in the operation of regulations on such basis.

Oranges of any one variety grown in any one geographical section in the States of California and Arizona do not maintain their merchantable qualities for identical periods of time. The period for the maintenance of such qualities can be determined in a manner similar to that followed in establishing patterns of maturity. Once short life orange patterns are determined for such states, administrative difficulties involved in affording the handlers of such oranges

a proportionate opportunity to market such oranges during the normal life thereof, subject to the same price limitation referred to in connection with maturity considerations, will be minimized.

Affording handlers an opportunity to market mature oranges wherever grown in California and Arizona when they attain maturity and during the normal marketing life thereof, subject to such proportionate limitation as will permit, insofar as possible, the total volume of all oranges grown in such states and marketed during such period to bring price returns declared in the act to be the policy of Congress to establish, will, to the maximum extent, eliminate inequities alleged to occur under the marketing agreement and order by virtue of issuing allotments on district bases, and, therefore, such districts should be retained because they constitute an invaluable aid to the orderly administration of the marketing agreement and order.

The burden of showing maturity or short life conditions to the committee in connection with applications for the allocation of allotments should, however, remain on such applicants because they are familiar with the conditions of oranges owned or controlled by them, which should deter unsustainable applications, and a shift of such burden to the committee would result in the receipt of excessive applications for the allocation of such allotments in an attempt to acquire an inequitable share of the market, either presently or prospectively, where the oranges covered by such applications could not conceivably qualify for allotment on the basis of maturity or short life.

The administrative committee should not be required to allocate allotment to an applicant showing that he owns or controls one or a few boxes of mature oranges because the administrative details involved therein would be so extensive and expensive as to tend to defeat the purposes of the act. Such allocation should be made only when the committee determines that an applicant owns or controls a sufficient quantity of mature oranges to permit such applicant to carry out practical handling operations in connection with such mature oranges. Although the committee should be required to consider maturity and short life factors at all times in connection with recommendations for volume regulations and with the allocation of allotments, minimum volume of mature or short life oranges requiring recommendations for volume regulations and allocation of an allotment in connection with any particular application for such allotment should not be specified for the same reason. Such determination of minimum quantities should be made on a uniform basis by the committee consistent with factual situations in all orange-producing sections of the States of California and Arizona.

The total tree crop of oranges in the States of California and Arizona is the potential supply of oranges to be marketed from such states. Therefore, the prorate base of each handler should continue to be computed on the basis of his ownership or control of a portion of such crop in relation to such total crop. Accordingly, the definition of oranges available for current shipment should not be changed. Allocation of authority to ship such owned or controlled oranges, however, should be given, insofar as possible, when such oranges are mature and at a rate and to the extent that each handler will be afforded an opportunity to obtain his fair share of the market during the normal life of such oranges as hereinbefore indicated. All oranges do not fall in the category of short life or early maturity oranges. Therefore, while all handlers in the States of California and Arizona must proportionately share the market for all oranges, subject to such limitation on total and individual shipments required to obtain prices therefor at the level established in the act as the policy of Congress therefor, individual handlers owning or controlling short life or mature oranges should be afforded an opportunity to ship such oranges when they mature and during the normal life thereof. If all handlers participated in shipping their owned or controlled oranges to market on a proportionate basis during the average life of such oranges, handlers owning or controlling early maturity or short life oranges would be deprived of a portion of their fair share of such market during the period of such average life.

Therefore, it is necessary to provide that the administrative committee be permitted, when circumstances warrant, to allocate allotments to such owners or controllers of early maturity or short life oranges at an earlier time or in addition to their normal weekly allotments, respectively. This does not mean that the recipients of such earlier or additional allotments receive an opportunity to market more than their fair share of each variety of oranges on a proportionate basis after appropriate consideration of the total volume, maturity, and length of the marketing season of all varieties of such oranges. It merely means, and the amendment provisions hereinafter set forth so provide, that such recipients shall receive, insofar as is practicable, allotments at the time their owned or controlled oranges are mature, permitting them to ship such oranges, to the extent of the proportionate average to be shipped by all of the handlers of the variety involved, during the normal life of such oranges. Under such provisions, no handler will receive an opportunity to market more than his fair share of oranges because allotments permitting shipments for such purpose will not be allocated to him after he has received sufficient allotment to ship the aforesaid proportionate average to be shipped by all handlers. After sufficient allotment has been allocated to a handler in connection with his early maturity or short life oranges of one or more varieties to permit him to ship the aforesaid proportionate average, remaining allotment otherwise issuable to him in connection with such oranges by virtue of his prorate base shall be allocated to the handlers owning or controlling oranges from whom allotment was withheld. Such provisions will not be detrimental to owners or controllers of normal maturity and life oranges because they will continue to receive allotment which should permit them to ship to market the proportionate average to be shipped by all handlers of such oranges. Such provisions should not be mandatory upon the committee because the quantity of early maturity or short life oranges in any particular area and in any particular season may be so insignificant as to be inconsequential. Such provisions should not set an arbitrary percentage ceiling on the oranges of short life or early maturity which may receive allotments thereunder because of the wide variety of circumstances which can occur from season to season and which affect short life and early maturity conditions. The only fair criterion is to allocate sufficient allotment to permit handlers of early maturity and short life oranges to ship the proportionate average of all handlers of oranges of each variety thereof.

Therefore, on the basis of the foregoing findings and reasons, it is concluded that the provisions of the marketing agreement and order relevant to the definition of oranges available for current shipments (an integral element in determining the prorate base) and prorate districts should not be amended; that the provisions of the marketing agreement and order should be amended, as hereinafter set forth, to require that the administrative committee consider maturity condition factors in making recommendations for regulations thereunder and for allocating allotment under such regulations; and that the provisions of the "Allotment Pool" should be changed to facilitate allocation of allotment in accordance with the foregoing.

(3) The committee charged with the responsibility of administering the marketing agreement and order is now composed entirely of growers of oranges produced in the States of California and Arizona, except for one member who is prohibited from being a grower, handler, or employee, agent or representative of a grower or handler (other than a charitable or educational institution which is a grower or handler) To acquire marketing information necessary for committee recommendations for regulations, the committee has obtained the views of handlers of oranges grown in such States on an informal basis. This procedure has been extremely helpful to the committee in arriving at sound recommendations for regulations of the handling of oranges grown in such States; but, in some instances, such informal information has not received appropriate emphasis in the deliberations of the committee because the handlers supplying such information were not permitted to vote on committee recommendations. The quality of information submitted to the committee by handlers will be improved, in many instances, if such handlers are required to assume responsibility as members of the committee in connection with committee recommendations for regulations based in part thereon. Handler members of the committee would not have sectional views on desirable regulations because, in most instances, handlers market oranges grown

in several or all parts of the States of California and Arizona. Conversely, growers may have such sectional views as to desirable regulations and, therefore, grower representation on the committee should be, insofar as practicable, on a geographical basis to permit important subdivisions of the orange-growing sections of the States of California and Arizona to be represented on such committee. Committee representation by growers on such geographical basis will result in grower representation which will, to a large extent, tend to equalize possible sectional views of one or more grower representatives.

A committee of eleven members will be sufficiently small in number to permit it to operate in a practical and expeditious manner in administering the terms and provisions of the marketing agreement and order. At the same time, a committee of such size will be sufficiently large to permit all orange-growing sections of the States of California and Arizona to be represented thereon. Six members of the committee should continue to be growers of oranges produced in the States of California and Arizona to supply grower representation, insofar as practicable, to all segments of the said States. Such members should continue to be nominated and selected for membership on the committee as presently provided in the marketing agreement and order. Grower representation on the committee should exceed all other representation thereon because the regulatory program is designed and authorized for the benefit of growers; and grower views as to desirable regulations tending to effectuate the declared policy of the act when leavened by handler views relevant to the marketing of oranges grown in said States, should result in fair and appropriate recommendations and regulations for such purpose. Four members of the committee should be handlers because such number is deemed necessary to supply the committee with effective handler views as to the marketing situation for oranges grown in all portions of the States of California and Arizona. While independent handlers may not have exactly the same marketing views as to desirable regulations under the marketing agreement and order as the views of cooperative handlers, the legitimate divergence between such views will receive due representation and weight in committee deliberations on the representative basis hereinafter set forth. Cooperative handlers market more than three-fourths of the oranges grown in the States of California and Arizona, so that cooperative handlers or representatives thereof should predominate in handler representation on the committee. On the basis of the percentage of the crop handled, there should be three cooperative handler representatives on said committee and one independent handler representative.

The eleventh member of the committee should be an impartial member thereof and accordingly, should not be a handler, a grower, or a representative of either. Such impartiality will tend to be attained if such impartial member is nominated by grower and handler members.

Alternate members with the same qualifications as members, as hereinbefore set forth, should be selected for each member to permit the committee to operate at all times with a full representative complement. Alternate handler members should participate in committee activities in the place and stead of handler members and alternate grower members should participate in committee activities in the place and stead of grower members. Therefore, grower alternate members should be nominated and selected on the same basis as grower members and handler alternate members should be nominated and selected on the same basis as handler members. As the Secretary is responsible under the act for the administration of the marketing agreement and order, the Secretary should have authority to finally select committee members and alternates from nominations submitted as aforesaid. To provide the Secretary with some latitude for independent judgment in selecting committee members and alternates who, in his judgment, are the most competent individuals available for service on the committee, not less than two nominees should be named for each position to be filled on the committee.

The present provisions of the marketing agreement and order require that a majority of the committee shall constitute a quorum and that any action of the committee shall require four concurring votes. To maintain relatively equal requirements in connection with a committee of eleven members, the provisions of the marketing agreement and order should be amended to provide that six members of the committee shall constitute a quorum and to provide that any action of the committee shall require six concurring votes. Experience with the operation of the marketing agreement and order with the aforesaid quorum and concurring vote requirements has demonstrated that such requirements are fair and equitable and that recommendations for regulations made on the basis of a concurring majority vote of the members of the committee are thereby based on a sound representative opinion of experts. There is no reason to anticipate that a proportionate change in the quorum requirements or concurring vote requirements should be desirable.

The Secretary is authorized by present provisions of the marketing agreement and order to prescribe the time and manner of nominating members and alternate members of the committee. The Fruit and Vegetable Branch, Production and Marketing Administration, proposed such conforming amendments to the present marketing agreement and order as might be required by amendments thereto specifically set forth in the notice of hearing and considered at the public hearing thereon. Proponents of amendments to the provisions of the marketing agreement and order applicable to the Administrative Committee stated that minor changes should be made to the "Term of Office" section thereof. Therefore, the term of office provision of the marketing agreement and order should be amended to modernize the language therein contained and to retain committee members and alternates in office for the term for which they are selected and qualified and until their respective successors are selected and have qualified, regardless of the time at which amendments to the marketing agreement and order become effective. Although such results could be attained by appropriate prescription of the Secretary in connection with the time and manner of nominating members and alternate members of the committee, it is deemed desirable to amend the marketing agreement and order in connection with such "Term of Office," so that all parties affected thereby will have prompt and timely notice of the manner in which the Administrative Committee will be expanded from seven to eleven members and prompt and timely notice of the official status of incumbent committee members and alternates.

Therefore, on the basis of the foregoing findings and reasons, it is concluded that the present provisions of the marketing agreement and order should be amended, as hereinafter set forth, to provide that the committee be composed of eleven members and eleven alternates; that grower representation thereon be, insofar as is practicable, on a geographical representation basis; that four handlers and their alternates be selected to serve on such committee; that growers and handlers duly selected and qualified for service on such committee nominate two impartial members and their alternates to serve on said committee; that one impartial member and alternate be selected by the Secretary to serve on said committee; that the term of office of committee members and alternates be for periods of two years beginning on November 1, 1944, and on the 1st of November of each even numbered year thereafter; and that a majority of the committee shall constitute a quorum, with action of the committee to require six concurring votes.

(4) The production of oranges in the States of California and Arizona is in excess of a quantity which, when marketed in their entirety, will permit farmers to obtain prices therefor at a level that will give such oranges a purchasing power with respect to articles that farmers buy, equivalent to the purchasing power of such oranges during the period August 1919–July 1929. Oranges produced in said States and diverted from fresh fruit channels to other market channels do not return to the growers thereof prices equal to price returns from oranges sold in fresh fruit channels, but such diversion will tend to increase the prices received by said growers for oranges marketed in fresh fruit channels toward the prices declared in the act to be the policy of Congress to establish, thereby raising the returns to growers of all oranges because the increased price returns received from oranges marketed in fresh fruit channels is not entirely offset by lower price returns from diverted oranges. Under normal conditions, with or without regulation of the handling of oranges grown in said States, there is a diversion from fresh fruit channels of that portion of such oranges which, from time to time, are deemed to be less desirable for fresh

fruit channels on the basis of price returns which are obtainable therefor. This diversion is, however, based entirely on the judgments of individual handlers of such oranges, subject to some limitation when volume regulation is in effect, as to the quantity which should be diverted. Each of such judgments is predicated on the greatest good to be derived by the individual therefrom and, consequently, the composite judgment of such handlers does not always result in the diversion of a sufficiently large quantity of such oranges to attain the maximum possible benefit under the act for all growers of such oranges.

The marketing agreement and order contains no direct provisions for the regulation or control on the handling of that quantity of oranges produced in the aforesaid States in excess of the quantity necessary to supply normal demand therefor, which oranges are, therefore, surplus. Such surplus oranges are potentially available for sale in any market at all times and handlers thereof actually market a portion of such surplus oranges where possible and when such marketing potentially results in returns therefor equal to or slightly in excess of the actual cost of such marketing. This potential availability and actual marketing depress the prices growers receive for all oranges produced in the aforesaid States. Removal of such surplus from all possibility of being marketed would, therefore, tend to effectuate the declared policy of the act by increasing price returns received by growers of oranges produced in said States and marketed, thereby tending to give producers of all oranges produced in said States prices therefor declared in the act to be the policy of Congress to establish. No reasonable method of completely eliminating all of such surplus oranges produced in the aforesaid States, or of equalizing the burden of such elimination among producers and handlers thereof, was presented at the public hearing.

There is no uniformity of opinion among producers and handlers of oranges grown in the aforesaid States as to the method which should be employed in reducing or controlling the aforesaid surplus oranges, which reduction or control would tend to effectuate the declared policy of the act. However, such producers and handlers generally agree that oranges of specified sizes at various times generally bring lower price returns to the producers thereof in fresh fruit marketing channels than oranges of other sizes. Elimination of such lower price return oranges from market in fresh fruit channels would free such channels from the depressing price effect of the aforesaid surplus oranges, thereby tending to effectuate the declared policy of the act, and would work no hardship on the producers of such oranges because when the average production of such sizes by any one of such producers prevents him from shipping, by virtue of size regulations, as large a proportion of each variety of his oranges as the average proportion of each such variety of oranges to be shipped by all producers in the aforesaid States or in such producer's prorate district, such producer of excess quantities of such sizes would be permitted to ship a sufficient quantity of each such variety of his oranges to equal the average to be shipped of each such variety by all producers of such variety in the aforesaid States or in such producer's prorate district.

Price returns to growers of oranges in the aforesaid States are not at an identical rate for all sizes thereof, regardless of the channel in which they are marketed, and the returns to such growers for any particular size of oranges fluctuate from day to day and week to week. Demand in fresh fruit channels, in conjunction with available supply, dictates such prices in such channels. Therefore, size regulation of such oranges can adjust the supply thereof, by sizes, available in fresh fruit marketing channels to such volume as will tend to increase grower returns therefor. Oranges eliminated from fresh fruit marketing channels by such size regulations will tend to be diverted to non-regulated channels. While all of such diversion will not afford the producers of the oranges involved therein price returns equal to price returns from oranges marketed in fresh fruit channels, the removal of such oranges from possibility of marketing in fresh fruit channels will tend to sufficiently increase prices received by growers for oranges marketed in such fresh fruit channels to more than offset relatively lower price returns to growers of oranges so diverted. Such size regulation should merely prohibit the handling of all or of a percentage of a specified size or sizes of the aforesaid oranges in interstate or foreign commerce, or such handling thereof as will directly burden, obstruct, or affect such commerce, so that the handlers of all of such oranges will continue to have equal opportunities subject to such regulation. Regulation to eliminate or to minimize the deleterious price return aspect of the aforesaid surplus oranges should not require diversion or elimination of a percentage of oranges grown in the aforesaid States because such specification would, under certain circumstances, result, for example, in lower price returns to growers of oranges in the aforesaid States through diversion or elimination of high quality oranges of sizes commanding consumer premiums and through marketing of low quality and undesirable sized oranges.

Canada constitutes a relatively large fresh fruit market for small sized oranges grown in the aforesaid States. Small sized oranges from California and Arizona return to the growers thereof a higher price when sold in Canada than when sold in the Continental United States or Alaska. Therefore, size regulation of the handling of oranges grown in said States should facilitate preservation of such Canadian outlet by, under appropriate circumstances, permitting different sized oranges to be shipped to Canada than to points in continental United States or Alaska.

Size regulation will tend to minimize or eliminate undesirable sizes from market (which can not be satisfactory accomplished under volume regulation alone), which undesirable sizes depress the entire fresh fruit market price for all oranges, including those particular sizes, grown in said States. Under other circumstances, size regulation might not be necessary at all because of the relative nonexistence of undesirable sizes. Size regulation should be used, theerfore, to effectuate the declared policy of the act, with or without volume regulation, as the circumstances warrant. Such use does not alter present marketing agreement and order requirement relevant to recommendations for and issuance of volume regulation.

Size regulation on the foregoing basis will not result in the complete elimination of the surplus problem of oranges grown in the aforesaid States. Regulation on such basis will, however, tend to increase grower price returns for oranges grown in said States and marketed in fresh fruit channels by an amount in excess of lower grower returns received from oranges grown in said States and diverted to other than fresh fruit channels.

On the basis of the findings and reasons hereinbefore set forth, it is concluded that the marketing agreement and order should be amended to permit the administrative committee to recommend size regulation of oranges grown in the States of California and Arizona when conditions warrant; that such regulation may thereafter be made effective, with or without volume regulation, upon a determination that such regulation will tend to effectuate the declared policy of the act; that such regulation shall prohibit the shipment of oranges grown in said States in interstate or foreign commerce, or so as to directly burden, obstruct, or affect such commerce, of all or of a percentage of a specified size or sizes during a specified period or periods; that such regulation shall permit size limitations of shipments to Canada different from such limitations to the continental United States and Alaska, and that such regulation shall permit all growers of oranges so regulated to apply for and receive permission to ship such quantity of sizes of each variety prohibited from shipment by such regulation as may be necessary to permit them to ship the proportionate average of such variety to be shipped by all growers of such varieties in said States or all growers of such varieties in the applicant's prorate district.

(5) Any sale of oranges affects the price and supply of all other sales of oranges. Fluctuations of prices for oranges in any market result in fluctuations of prices therefor in all other markets. While prices received in California and Arizona for oranges grown in those States fluctuate in accordance with the volume of such oranges offered for sale therein, which volume is directly affected by the interstate market price received for oranges grown in said States and by the total available supply of oranges grown in such States, such California and Arizona prices have averaged lower than the prices received for such oranges in interstate fresh fruit markets. For example, substantially lower average returns were received on an f. o. b. basis for oranges marketed within the State of California during the periods June 2 to

July 31, 1947, January 2 to January 12, 1948, and January 13 to February 27, 1948, than returns for comparable oranges marketed in interstate fresh fruit markets during the same periods. Likewise, lower average returns were received for oranges marketed within the State of California during the periods January 25 to February 21, 1948 and February 22 to March 20, 1948.

All oranges grown in the aforesaid States were, prior to regulation under the marketing agreement and order, available to satisfy all marketing requirements therefor. During such period, the surplus portion of such orange crop had a depressing effect on the prices growers received therefor from all markets. Limitation of the volume of such oranges which could be marketed in interstate fresh fruit channels under the marketing agreement and order tended to increase grower returns for the oranges so marketed. However, the continued existence of surplus oranges grown and marketed in said States free from regulation of any kind depressed the price returns to growers of oranges produced in such States and marketed in interstate fresh fruit channels because of the disposition of purchasers of oranges in interstate fresh fruit channels to restrict their purchases in anticipation of eventually being able to procure a portion of the surplus orange crop grown in such States at reduced prices. Although relatively little of the surplus orange crop grown in said States and prohibited from shipment by regulation under the marketing agreement and order reaches interstate fresh fruit marketing channels contrary to regulations applicable thereto, the aforesaid disposition continues.

In excess of 10 percent of the total sales in fresh fruit channels of oranges grown in the aforesaid States are consummated in such States for consumption therein. Such percentage will increase as the population of such States increases.

Such appreciable percentage of unregulated oranges produced and sold in said States for prices averaging less than the prices received by growers for oranges produced in such States and sold in interstate fresh fruit channels, creates a psychological sales inertia in interstate fresh fruit channels merely because of the general dissemination of information relevant to such lower prevailing prices in the aforesaid States.

The price received for oranges sold within these States is very low during certain periods of the year and, during such periods, growers receive little or no return therefor. This creates confusion and lack of confidence in the interstate markets for oranges grown in such States. Also, growers must receive larger returns for the oranges marketed in interstate commerce as a result of such low prices in intrastate markets to establish the level of prices declared in the act to be the policy of Congress to establish. This directly burdens, obstructs, and affects interstate and foreign commerce in oranges.

While the total sales of oranges produced and sold in the aforesaid States exceed 10 percent of the total quantity of oranges produced in such States, the prices received therefor and the quantity available at any particular time are subject to wide fluctuations because the premium market for oranges produced in said States is the interstate fresh fruit market. Such wide fluctuations of price and quantity promotes disorderly marketing in such States and in interstate fresh fruit channels. Regulation of the handling of oranges grown and sold in said States will result in more orderly marketing in such States and in interstate fresh fruit markets if the quantity of oranges available therefor is restricted on a uniform basis for both of such markets, thereby resulting in relatively uniform average prices for such oranges to the producers thereof. There is no reason to anticipate that such regulation will result in other than an orderly intrastate and interstate marketing for oranges produced in said States because such regulation will tend to remove the reasons for price and volume fluctuations in each of such markets, including the depressing effect on the price of oranges produced and sold in the aforesaid States of a large potential surplus orange crop which could be marketed therein free from regulation.

The act permits regulation of all handling of oranges grown in the aforesaid States, which handling is in the current of interstate or foreign commerce; or which directly burdens, obstructs, or affects such commerce, on the basis of size, volume, or both. The act prohibits the application of such regulation to a retailer of oranges in his capacity as such retailer and to a producer of such oranges in his capacity as a producer. Sales of oranges grown in said States on the trees by the producers thereof and the transportation of oranges grown in the aforesaid States to packing houses for the purpose of having such oranges prepared for market should not be subjected to regulation because it is administratively desirable and most effective to subject such oranges to regulation in the possession of handlers subsequent to such sales or transportation. As all handling of the aforesaid oranges except as indicated above and except for the handling of oranges specifically exempt from regulation by the provisions of the act or the marketing agreement and order, is in interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce, as hereinbefore found, it is concluded that the handling of all of such oranges, with the exception hereinbefore noted, should be subject to such regulation and that the marketing agreement and order should be appropriately amended to so provide.

(6) To facilitate effective enforcement of the regulation of the handling of oranges grown in the aforesaid States, it will be necessary to require more detailed reports from handlers than heretofore required, i. e., handlers should be required to report to the Administrative Committee the total disposition of all oranges handled by them in such manner that said committee will be permitted, on the basis of such reports, to verify the contents thereof. Therefore, the present report provisions of the marketing agreement and order should be amended to provide that handlers should report the total quantity of oranges handled by them, showing the destination, quantity and size by variety, and purpose for which such quantities are to be used, of each lot thereof. While all of such information will satisfactorily serve the purpose for which it is submitted to the Administrative Committee if such information is submitted on a weekly basis because allotments are issued on a weekly basis and determinations relevant to allotment violation are on a weekly basis, size information by variety and standard pack box or its equivalent should be mailed to the Administrative Committee within 24 hours after shipment of each standard packed box or its equivalent because each shipment must comply with applicable size regulations in effect at the time of shipment and delay in ascertaining the existence of violations of such regulations would unnecessarily jeopardize the effectiveness of such regulation. Therefore, report requirements of the marketing agreement and order should be amended as hereinafter set forth.

(7) The Administrative Committee of the marketing agreement and order is presently empowered to appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each such appointee. There is no cogent reason disclosed in the hearing record to justify a specific requirement that the committee appoint a particular type of employee; the committee already has such power and, if the committee deems it desirable to appoint a marketing economist or other specialist to aid it in discharging its duties, sufficient provision is already made in the marketing agreement and order for such purpose.

(8) The hearing record does not contain substantial evidence justifying amendment of the marketing agreement and order to establish a new method for adjusting prorate bases in accordance with changes of control of oranges grown in the aforesaid States. Testimony in the record on such proposed new method shows that, for example, the adoption thereof would permit handlers to obtain allotments on the basis of all oranges controlled by them; use such allotment to ship oranges procured from producers favored by them; and, when the aforesaid shipments were consummated and unfavored producers changed handlers because of such favoritism, no appropriate adjustment would be made for the use of allotment procured on the basis of the control of oranges of such unfavored producer to ship the oranges of such favored producers. The present provisions of the marketing agreement and order contain no such manifest inequity and, accordingly should not be amended as proposed.

(9) The proposal to define "diversion" and "export" were proposed in the hearing notice and considered at the hearing as part of the proposal to amend the marketing agreement and order to establish and operate a diversion program. As it has been hereinbefore found and concluded that the marketing agreement

and order should not be amended to establish provisions therein for such diversion program, it is herewith found and concluded that amending the marketing agreement and order to define "diversion" would serve no useful purpose and that, therefore, such amendment to define "diversion" should not be made. Similarly, a definition of "export" would serve no useful purpose in connection with the aforesaid diversion program but substantial evidence in the hearing record shows that such definition in the marketing agreement and order would permit a desirable simplification of other language in the agreement and order. Therefore, it is found and concluded that the marketing agreement and order should be amended to incorporate therein a definition of "export" to simplify language therein, as hereinafter set forth.

(10) Oranges grown in the aforesaid States which are free from regulation under the marketing agreement and order, except for safeguards established by the administrative committee to prevent such oranges from being disposed of in violation of regulations, are, manifestly, not "handled" as such term is defined in said marketing agreement and order. Some individuals have, under the marketing agreement and order and despite the aforesaid safeguards, handled oranges, the handling of which should have been subject to regulation, which handling was not, in fact, regulated because of representations that such oranges were being disposed of for purposes specifically declared in the act and the marketing agreement and order to be free from regulation and because of allegations of ignorance as to the possibility of such diversion from channels free from regulation. Such diversion constitutes a real menace to effective administration of the marketing agreement and order. Therefore, it is found and concluded that the provisions of the marketing agreement and order relevant to oranges the disposition of which is free from regulation should be amended to correctly indicate that such oranges are not handled and that the aforesaid safeguards are prescribed to insure that the provisions of the marketing agreement and order are not violated, intentionally or otherwise, by the said diversions.

General findings. (1) The proposed marketing agreement and the order as hereby proposed to be amended and all the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The proposed marketing agreement and the order as hereby proposed to be amended regulate the handling of oranges grown in the State of California or in the State of Arizona in the same manner as and are applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which hearings have been held; and

(3) The proposed marketing agreement and the order as hereby proposed to be amended prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary to give due recognition to the differences in production and marketing of oranges grown in the State of California or in the State of Arizona;

(4) The proposed marketing agreement and the order as hereby proposed to be amended are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of such regional production area would not effectively carry out the declared policy of the act.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Oranges Grown in the State of California or in the State of Arizona" and "Order Amending the Order Regulating the Handling of Oranges Grown in the State of California or in the State of Arizona" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said agreement are identical with those contained in the order as proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 18th day of January 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order Regulating the Handling of Oranges Grown in the State of California or in the State of Arizona

§ 966.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) hereinafter referred to as the "act," and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held at Los Angeles, California, beginning on April 6, 1948, and at Phoenix, Arizona, on April 19, 1948, upon proposed amendments to the tentatively approved marketing agreement and marketing Order No. 66 (7 CFR, Cum. Supp. 966.2 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order as hereby amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The said order as hereby amended regulates the handling of oranges grown in the State of California or in the State of Arizona in the same manner as the aforementioned marketing agreement as amended, and the said order as hereby amended is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held;

(3) The said order as hereby amended prescribes, so far as practicable, such different terms, applicable to different production areas, as are necessary to give due recognition to the difference in production and marketing of oranges grown in the State of California or in the State of Arizona;

(4) The said order as hereby amended is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of such regional production area would not effectively carry out the declared policy of the act; and

(5) All handling of oranges in fresh form which are grown in the State of California or in the State of Arizona is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, the handling of oranges grown in the State of California or in the State of Arizona shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order as hereby amended; and such order is hereby amended as follows:

(1) Delete paragraph (j) of § 966.3 and substitute therefor the following:

(j) "Handle" means to buy, sell, consign, transport, ship (except as a common carrier of oranges owned by another person), or in any other way to place oranges in fresh form in the current of commerce between the State of California and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of California, or between the State of Arizona and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of Arizona. The term "handle" does not include (1) the sale of oranges on the tree, (2) the transportation of oranges to a packing house for the purpose of having such oranges prepared for market, or (3) the sale of oranges at retail by a person in his capacity as such retailer.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(2) Add to § 966.3 the following:

(o) "Export" means shipments of oranges in fresh form to points outside the continental United States, Canada and Alaska.

(3) Delete paragraph (a) of § 966.4 and substitute therefor the following:

(a) *Establishment and membership.* There is hereby established an Orange Administrative Committee consisting of eleven members, for each of whom there shall be an alternate member who shall be nominated and selected in the same manner and who shall have the same qualifications as the member for whom each is an alternate. Six of the members and their respective alternates shall be growers who shall not be handlers or employees of handlers or employees of central marketing organizations. Four of the members and their respective alternates shall be handlers or employees of handlers or employees of central marketing organizations. One member of the committee and an alternate of such member shall be nominated as provided in paragraph (c) (6) of this section. The six members of the committee who shall be growers and who shall not be handlers or employees of handlers or employees of central marketing organizations are hereinafter referred to as "grower" members of the committee and the four members who shall be handlers or employees of handlers or employees of central marketing organizations are hereinafter referred to as "handler" members of the committee.

(4) Delete paragraph (b) of § 966.4 and substitute therefor the following:

(b) *Term of office.* The term of office of committee members and alternate members shall be for a period of two years. The first regular term of office shall begin on November 1, 1944, and subsequent terms shall begin on November 1 of each even numbered year thereafter: *Provided*, That such members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

(5) Delete paragraph (c) (2) of § 966.4 and substitute therefor the following:

(2) Any cooperative marketing organization, or the growers affiliated therewith, which marketed more than 50 percent of the total volume of oranges marketed in fresh fruit form during the fiscal year preceding the date on which nominations for members and alternate members of the committee are submitted shall nominate not less than six growers for three grower members; not less than six growers for three alternate members; not less than four handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for two handler members; and not less than four handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for two alternate members of the committee.

(6) Delete paragraph (c) (3) of § 966.4 and substitute therefor the following:

(3) All cooperative marketing organizations which market oranges and which are not qualified under subparagraph (2) of this paragraph, or the growers affiliated therewith, shall nominate not less than two growers for one grower member; not less than two growers for one alternate member; not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one handler member; and not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one alternate member of the committee.

(7) Delete paragraph (c) (4) of § 966.4 and substitute therefor the following:

(4) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate not less than four growers for two grower members; not less than four growers for two alternate members; not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one handler member; and not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one alternate member of the committee.

(8) Delete paragraph (c) (6) of § 966.4 and substitute therefor the following:

(6) The members of the committee selected by the Secretary pursuant to paragraph (d) of this section shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate two persons for a member and two persons for an alternate member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler) or of a central marketing organization, or in any other way directly associated with the production or marketing of oranges. If committee members and alternate members for the term of office ending on October 31, 1950, have been selected prior to the effective date hereof and qualify within the time limit prescribed by paragraph (f) of this section, the provisions of subparagraph (6) of this paragraph and paragraph (d) shall only be applicable to handler members and alternate members of the committee during such term of office.

(9) Delete paragraph (d) of § 966.4 and substitute therefor the following:

(d) *Selection.* (1) From the nominations made pursuant to paragraph (c) (2) of this section the Secretary shall select three grower members of the committee and an alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to paragraph (c) (3) of this section the Secretary shall select one grower member of the committee and an alternate to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to paragraph (c) (4) of this section the Secretary shall select two grower members of the committee and an alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to paragraph (c) (6) of this section the Secretary shall select one member of the committee and an alternate to such member. If nominee lists of handler members and alternate members of the committee for the biennial term of office ending October 31, 1950, are not submitted to the Secretary by growers and cooperative marketing organizations on the representative bases provided in paragraphs (c) (2), (c) (3), and (c) (4) of this section, by the effective date hereof, the Secretary may make such selections on such representative bases without regard to nominee lists.

(2) In making his selections of members of the committee and their alternates the Secretary, insofar as practicable, shall select grower members and their respective alternates so as to give reasonable and adequate representation on the committee to the following geographical and growing areas: (i) Central and Northern California; (ii) Ventura and Santa Barbara Counties, California, (iii) Los Angeles County, California; (iv) San Bernardino and Riverside Counties, California; (v) Orange County, California; (vi) San Diego and Imperial Counties, California, and the State of Arizona; and so as to give reasonable and adequate representation to both Valencia orange growers and the growers of all other varieties of oranges.

(10) Delete paragraph (j) (9) of § 966.4 and substitute therefor the following:

(9) To provide an adequate system for determining the total quantity of each variety of oranges available for current shipment, and to make such determinations, including determinations by grade, size, and maturity conditions, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration hereof;

(11) Delete paragraph (k) (1) of § 966.4 and substitute therefor the following:

(1) A majority of the committee shall constitute a quorum and any action of the committee shall require at least six concurring votes.

(12) Delete the caption from paragraph (b) of § 966.6 and substitute therefor the following:

(b) *Recommendations for volume regulation.*

(13) Delete paragraph (b) (1) of § 966.6 and substitute therefor the following:

(1) Each week during the marketing season for each variety of oranges the committee shall recommend to the Secretary the total quantity of each such

variety of oranges which it deems advisable to be handled during the next succeeding week. The committee shall give due consideration to the maturity of oranges in making such recommendations. If prorate districts are established pursuant to § 966.7, the committee shall recommend to the Secretary the total quantity of each such variety of oranges grown in each such prorate district which it deems advisable to be handled during each such week, and such recommendation shall include the quantity of oranges to be handled during such week in each such prorate district whenever the committee determines that maturity conditions in such district make it advisable to so recommend. If, for any reason, the committee fails to recommend to the Secretary the total quantity of each variety of oranges which it deems advisable to be handled during each week, as required hereby, reports representing the respective views of the committee members with respect to its failure to act shall be submitted promptly to the Secretary.

(14) Delete the caption from paragraph (c) of § 966.6 and substitute therefor the following:

(c) *Issuance of volume regulation.*

(15) Delete paragraph (k) of § 966.6 and substitute therefor the following:

(k) *Early maturity and short life allotments.* Notwithstanding the foregoing provisions of this section, the committee shall withhold from the allotment of handlers for a variety of oranges, on a uniform proportionate basis for all handlers, an amount sufficient to permit handlers controlling oranges of such variety of early maturity or short life to handle during the normal marketing period of such early maturity or short life oranges as large a proportion of such variety as the average of such variety which will be handled by all handlers thereof. Handlers controlling oranges of early maturity or short life may apply for such withheld allotment, and such application shall be made on forms supplied by the committee and shall be accompanied by information necessary to permit the committee to determine the validity of such applicant's claim to such withheld allotment. The committee shall determine, on the basis of all available information, the extent to which a handler needs allotment under the provisions hereof and, pursuant to such determination, shall allocate such allotment to such handler at a uniform weekly rate, insofar as practicable, during the normal marketing period of his controlled oranges of early maturity or short life. Such determination and allotment issued pursuant thereto shall not permit a handler to receive more allotment proportionately for any one variety of oranges than the average allotment to be issued to all handlers of such variety. After a handler of early maturity and short life oranges of a variety has received allotment therefor hereunder sufficient to make the total allotment issued to him equal proportionately to the average allotment to be issued to all handlers of such variety, allotment thereafter due such handler of early maturity and short life oranges in connection with such oranges, on the basis of his prorate base and control of such oranges, shall be allocated to handlers from whom allotment has been withheld hereunder. Allocation of allotment hereunder may only be effected in connection with oranges of early maturity or short life. Th ecommittee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions hereof. If prorate districts are established pursuant to § 966.7, allotments withheld, issued, and allocated, and averages computed hereunder shall be on a prorate district basis.

(16) Add to § 966.6 the following:

(n) *Recommendations for size regulation.* (1) Whenever the committee finds that the supply and demand conditions for sizes of any or all varieties of oranges make it advisable to regulate the handling of sizes of a variety or varieties of oranges during any period, it shall recommend the sizes thereof deemed advisable to be handled during said period; and any such recommendation may include a proposal that the handling of oranges shipped to Canada shall be subject to size regulation different from the proposed size regulation applicable to the handling of other shipments of oranges. If prorate districts are established, the committee shall recommend to the Secretary the sizes of any or all varieties of oranges grown in each such prorate district which it deems advisable to be handled during any period. The committee shall promptly submit such findings and recommendations, together with supporting information, to the Secretary.

(2) In making its recommendations the committee shall give due consideration to the factors referred to in paragraph (b) (2) of this section.

(o) *Issuance of size regulations.* Whenever the Secretary shall find, from the findings, recommendations, and information submitted by the committee, or from other available information, that to limit the handling of any or all varieties of oranges by sizes would tend to effectuate the declared policy of the act, he shall so limit the shipment of oranges during the specified period; and any such regulation may provide that the handling of oranges shipped to Canada shall be subject to size regulation different from the size regulation applicable to the handling of other shipments of oranges. If prorate districts are established pursuant to § 966.7, the Secretary, upon the basis of recommendations and information submitted by the committee, or from other available information, shall fix the sizes of any or all varieties of oranges grown in each such prorate district which may be handled during any period. The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give adequate notice thereof to all handlers.

(17) Add to § 966.6 the following:

(p) *Exemptions from size regulation.* In the event any variety of oranges is regulated pursuant to paragraph (o) of this section, the committee may issue one or more exemption certificates to any producer who furnishes adequate evidence to the said committee that he will be prevented by reason of such regulation from having as large a proportion of such variety of oranges handled as the average proportion of such variety which will be handled by all other producers. If prorate districts are established pursuant to § 966.7, such average proportions shall be computed on a prorate district basis. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to producers. Such exemption certificates may be transferred to handlers.

(18) Add to § 966.6 the following:

(q) The Secretary, the committee, or both, may investigate compliance with respect to the regulation of the handling of oranges pursuant to this order.

(19) Delete § 966.8 and substitute therefor the following:

§ 966.8 *Oranges not subject to regulation.* Nothing contained herein shall be construed to authorize any limitation of the right of any person to handle oranges (a) for consumption by charitable institutions or for distribution by relief agencies; (b) for conversion into by-products; (c) for export; (d) for shipment by parcel post or by railway express in less than carload lots; or (e) for distribution as a gratuity in units of five boxes or less. No assessment shall be levied pursuant to § 966.5 on oranges disposed of for the purposes specified in this section. The committee shall prescribe, with the approval of the Secretary, adequate safeguards to insure that the provisions of this order are not violated, intentionally or otherwise, by the entry into commercial fresh fruit channels of trade of oranges disposed of for the purposes designated in this section.

(20) Delete paragraph (a) of § 966.9 and substitute therefor the following:

(a) *Weekly report.* On or before such day of each week as may be designated by the committee, each handler shall report to the committee, in such manner as may be designated and on forms made available by it, the following information with respect to each variety of oranges disposed of by each such handler during the immediately preceding week: (1) The total quantity handled, showing the destination and quantity of each lot constituting said total quantity handled; (2) the total quantity disposed of for manufacture into by-products, showing the identity of each by-products processor involved and the quantity to each; (3) the total quantity disposed or for export, showing the destination and quantity of each such disposition; (4) the total quantity shipped for disposition to persons on relief, including quantity donated for charitable purposes, showing the destination and quantity of each such shipment; and (5) the total quantity disposed of otherwise, showing manner and quantity of each such disposition. As to each such handler, the total of all these five categories shall be the total of all

oranges of each variety disposed of by said handler.

(21) Insert after paragraph (a) of § 966.9 the following paragraph (b), and redesignate the present paragraph (b) thereof as paragraph (c):

(b) *Manifest report.* Each handler shall furnish to the committee information regarding the variety and size of oranges in each standard packed box or its equivalent handled by such handler and shall mail or deliver such information to said committee or its duly authorized representative within 24 hours after shipment is made in such manner as the committee shall prescribe and upon forms prepared by it.

[F. R. Doc. 49-533; Filed, Jan. 19, 1949; 9:22 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1949 Dept. Circular 842]

1¼ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES B-1950

OFFERING OF CERTIFICATES

JANUARY 19, 1949.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated 1¼ percent Treasury Certificates of Indebtedness of Series B-1950, in exchange for Treasury Certificates of Indebtedness of Series B-1949, maturing February 1, 1949.

II. *Description of certificates.* 1. The certificates will be dated February 1, 1949, and will bear interest from that date at the rate of 1¼ percent per annum, payable with the principal at maturity on February 1, 1950. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before February 1, 1949, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series B-1949, maturing February 1, 1949, which will be accepted at par, and should accompany the subscription. The full year's interest on the certificates surrendered will be paid to the subscriber following acceptance of the certificates.

V *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 49-496; Filed, Jan. 19, 1949; 8:51 a. m.]

NATIONAL MILITARY ESTABLISHMENT

Department of the Army

MILITARY GOVERNMENT FOR GERMANY (U. S.)

PERIOD OF LIMITATION FOR FILING CLAIMS UNDER ARTICLE 56 OF LAW NO. 59

The regulations of the Military Government for Germany (U. S.), Part 3, are amended by addition of a new section 3.96, setting forth Regulation No. 5 under Military Government Law No. 59, as follows:

SEC. 3.96. *Regulation No. 5 Under Military Government Law 59; period of limitation for filing claims.* Pursuant to Article 56 of Military Government Law Number 59, "restitution of identifiable property" (section 3.83 (b)), a petition for restitution pursuant to Law Number 59 shall be submitted to the Central Filing Agency in writing on or before December 31, 1948. Pursuant to Article 92 of said law and in implementation of Article 56 thereof, it is hereby ordered as follows:

(a) *Article 1, period for filing.* (1) A petition for restitution pursuant to Military Government Law Number 59, "restitution of identifiable property", shall be deemed to have been submitted within the period prescribed in Article 56 if such petition or the envelope or other papers accompanying it when received by the Central Filing Agency clearly show by the official notation of the postal or telegraph or U. S. diplomatic authorities that it was posted or received for dispatch to the Central Filing Agency on or before December 31, 1948, and such petition is received at the Central Filing Agency not later than March 31, 1949.

(2) Petitions submitted erroneously to the British Zone of Germany pursuant to General Order Number 10, Military Government Law Number 52, or the French Zone of Germany pursuant to the French Military Government Ordinances 120 and 156, shall be deemed to have been submitted within the period prescribed in Article 56, providing the British or French authorities certify that the petition was received by them for filing on or before December 31, 1948 or was received by them thereafter under the conditions specified in subparagraph (1) above and in either event, such petition is received at the Central Filing Agency not later than March 31, 1949.

(b) *Article 2; effective date.* This regulation shall be deemed to have become effective on November 10, 1947. By order of Military Government.

[SEAL] EDWARD F WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49-486; Filed, Jan. 19, 1949; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2509]

DELEGATIONS OF AUTHORITY; GENERAL

SECTION 1. *Under Secretary and Assistant Secretaries.* The Under Secretary and the Assistant Secretaries may severally exercise all the authority of the Secretary of the Interior with respect to

any matters which come before them. (5 U. S. C., 22, 481a, 482, 483)

SEC. 2. *Acting Assistant Secretary.* Whenever an Assistant Secretary of the Interior is absent or a vacancy exists in such a position, the Solicitor of the Department is directed, in accordance with Executive Order No. 9794, dated October 26, 1946 (11 F R. 12697) to perform the duties of the absent Assistant Secretary or of the vacant position. While performing such duties, the Solicitor may exercise all the authority of the Secretary of the Interior with respect to any matters which come before him. (5 U. S. C., 22, 483a; E. O. 9794)

SEC. 11. *Authentication of documents.* The Chief Clerk of the Department is authorized to authenticate copies of books, records, papers, and documents of the Department. This section does not affect the authority of any bureau official to authenticate copies of books, records, papers, or documents under 43 CFR, Part 2, or under applicable statutes. (5 U. S. C., 22, 484; 5 U. S. C., Sup. I, sec. 488; 28 U. S. C., sec. 1733)

SEC. 20. *Patent policies and procedures.* The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior with respect to patent policies and procedures. (5 U. S. C., 22)

SEC. 21. *Tort claims.* (a) The Solicitor of the Department of the Interior may exercise all the authority conferred upon the Secretary of the Interior by the Federal Tort Claims Act (28 U. S. C., 921 et seq.)

(b) The Regional Counsels of the Bureau of Indian Affairs, of the Bureau of Land Management, of the Bureau of Reclamation, and of the National Park Service, the General Counsel of the Bonneville Power Administration, the Chief Counsel of the Southwestern Power Administration, and the Counsel of The Alaska Railroad are severally authorized to consider, ascertain, adjust, determine, and settle, pursuant to the provisions of section 403 of the Federal Tort Claims Act (28 U. S. C., 921) any claim not exceeding $1,000 against the United States based upon a negligent or wrongful act or omission of an employee of the Department of the Interior, and, without considering its merits, to reject any tort claim which is for an amount in excess of $1,000.

(c) Any claimant who is dissatisfied with a determination made under paragraph (b) of this section regarding his claim may take an appeal to the Solicitor of the Department of the Interior within 15 days after receiving notice of such determination. Written notice of his desire to take an appeal shall be given by the claimant to the official who made the determination upon his claim, and such official shall thereupon promptly transmit to the Solicitor all documents and other data relating to the claim. (5 U. S. C., 22; 28 U. S. C., 921)

SEC. 22. *Claims relating to irrigation works.* (a) The Solicitor of the Department of the Interior is authorized to determine whether claims for damages arising out of the survey, construction, operation, or maintenance of irrigation works on Indian irrigation projects shall be allowed in whole or in part or shall be disallowed.

(b) Subject to the direction and supervision of the Solicitor, the Regional Counsels of the Bureau of Indian Affairs are severally authorized to determine whether claims not exceeding $1,000 for damages arising out of the survey, construction, operation, or maintenance of irrigation works on Indian irrigation projects shall be allowed in whole or in part or shall be disallowed.

(c) Any award which may be made by the Solicitor pursuant to paragraph (a) of this section or by a Regional Counsel pursuant to paragraph (b) of this section and which is accepted by the claimant in full satisfaction of his claim shall be paid out of funds available for the Indian irrigation project involved in the claim.

(d) The Solicitor of the Department of the Interior is authorized to determine whether claims for damage to or loss of property, personal injury, or death arising out of the survey, construction, operation, or maintenance of works by the Bureau of Reclamation shall be allowed in whole or in part or shall be disallowed.

(e) Subject to the direction and supervision of the Solicitor, the Regional Counsels of the Bureau of Reclamation are severally authorized to determine whether claims not exceeding $1,000 for damage to or loss of property, personal injury, or death arising out of the survey, construction, operation, or maintenance of works by the Bureau of Reclamation shall be allowed in whole or in part or shall be disallowed.

(f) Any award which may be made by the Solicitor pursuant to paragraph (d) of this section or by a Regional Counsel pursuant to paragraph (e) of this section and which is accepted by the claimant in full satisfaction of the claim shall be paid out of funds available to the Bureau of Reclamation for such purpose.

(g) Any claimant who is dissatisfied with a determination made under paragraph (b) or paragraph (e) of this section regarding his claim may take an appeal to the Solicitor of the Department of the Interior within 15 days after receiving notice of such determination. Written notice of his desire to take an appeal shall be given by the claimant to the official who made the determination upon his claim, and such official shall thereupon promptly transmit to the Solicitor all documents and other data relating to the claim. (5 U. S. C., 22; 25 U. S. C., 388)

SEC. 23. *Appeals in public land cases.* The Solicitor of the Department of the Interior is authorized to exercise all the authority of the Secretary of the Interior with respect to the disposition of appeals to the Secretary from decisions of the Director of the Bureau of Land Management. (5 U. S. C., 22)

SEC. 24. *Contract appeals.* The Solicitor of the Department of the Interior is authorized to decide appeals to the head of the Department from findings of fact or decisions by contracting officers of the Department of the Interior and its several agencies. The decision of the Solicitor on such an appeal shall be final and conclusive on the parties to the contract. (5 U. S. C., 22; Articles 9 and 15, U. S. Standard Form No. 23; Articles 5 and 12, U. S. Standard Form No. 32; Condition 4, U. S. Standard Form No. 33)

SEC. 25. *Appeals from Examiners of Inheritance.* The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior with respect to the disposition of appeals to the Secretary under 25 CFR, 1947 Supp., 81.19, from decisions of Examiners of Inheritance of the Bureau of Indian Affairs. (5 U. S. C., 22)

SEC. 26. *Escheat.* The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior with respect to the disposition of the estates of Indian decedents which are transmitted to the Secretary for decision under 25 CFR, 1947 Supp., 81.21. (5 U. S. C., 22)

SEC. 50. *Contracts; Bureaus.* (a) Irrespective of the amount involved, the head of a bureau may enter into contracts for construction, supplies, or services in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. Secretarial approval is not a condition precedent to the consummation of such a contract unless the Secretary by a written order published in the FEDERAL REGISTER specifically prescribes such a requirement with respect to a particular contract or type of contract, or unless Secretarial approval is specifically required by statute. However, the head of a bureau may request Secretarial approval of any proposed contract.

(b) With respect to any such contract, including a contract approved by the Secretary, the head of a bureau may issue change orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

(c) Except in those cases in which he is the contracting officer, the head of a bureau may, with respect to contracts entered into on United States standard forms, act as the authorized representative of the Secretary within the meaning of Articles 3 and 4 of Form No. 23 and Article 2 of Form No. 32, and, for the purpose of extending the time within which a contractor may notify a contracting officer of the causes of delay, Article 9 of Form No. 23, Article 5 of Form No. 32, and Condition 4 of Form No. 33. This paragraph shall not affect the authority to deviate from the standard form contracts granted to the Bureau of Reclamation by the Chairman of the Interdepartmental Board of Contracts and Adjustments, with the approval of the Director of the Bureau of the Budget, in the memorandum dated November 26, 1927.

(d) The head of a bureau may redelegate to subordinate officials and employees of the Bureau, or to the Purchasing Officer of the Department, the authority granted in this section. Each

such redelegation shall be published in the FEDERAL REGISTER.

(e) This section is not intended to affect any requirement that proposed programs be cleared with the Office of the Secretary prior to their inauguration.

(f) The head of a bureau shall make such reports concerning the exercise of the authority granted by this section as the Secretary may require. The bureaus will be guided by such procedures as the Secretary may from time to time prescribe.

(g) Delegations of authority to contract which have been made by the Secretary to subordinate officials or employees of the bureaus, and redelegations of authority to contract which have been made by the heads of bureaus to subordinate officials or employees or to the Purchasing Officer of the Department and which are in force on the effective date of this section, shall remain in force until revoked or superseded by redelegations made by the heads of bureaus under this section.

(h) As used in this section, the term "bureau" means The Alaska Railroad, the Alaska Road Commission, the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Mines, the Bureau of Reclamation, the Fish and Wildlife Service, the Geological Survey, the National Park Service, the Puerto Rico Reconstruction Administration, and the Southwestern Power Administration.

(i) This section has no application to the Bonneville Power Administrator, whose authority to contract is derived from the act of August 20, 1937, as amended (16 U. S. C., 832 et seq.) (5 U. S. C., 22; Articles 3, 4, and 9, U. S. Standard Form No. 23, Articles 2 and 5, U. S. Standard Form No. 32, Condition 4, U. S. Standard Form No. 33.)

SEC. 51. *Contracts; Office of the Secretary.* (a) Irrespective of the amount involved, the Chief Clerk and the Purchasing Officer are severally authorized to enter into contracts for supplies or services (1) for the Office of the Secretary, (2) for bureaus and offices from appropriations entitled "Contingent Expenses, Department of the Interior," and (3) for bureaus and offices and Territorial agencies under special arrangements, such actions to be taken in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. Secretarial approval is not a condition precedent to the consummation of such a contract unless the Secretary by a written order published in the FEDERAL REGISTER specifically prescribes such a requirement with respect to a particular contract or type of contract, or unless Secretarial approval is specifically required by statute.

(b) With respect to any such contract, including a contract approved by the Secretary, the contracting officer may issue change orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

(c) Except in those cases in which he is the contracting officer, the Chief Clerk may, with respect to contracts entered into on United States standard forms, act as the authorized representative of the Secretary within the meaning of Article 2 of Form No. 32, and, for the purpose of extending the time within which the contractor may notify a contracting officer of the causes of delay Article 5 of Form No. 32 and Condition 4 of Form No. 33. (5 U. S. C., 22; Articles 2 and 5, U. S. Standard Form No. 32, Condition 4, U. S. Standard Form No. 33)

SEC. 52. *Leases.* (a) The head of a bureau may lease space in real estate outside the District of Columbia, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. Secretarial approval is not a condition precedent to the consummation of a lease agreement unless the Secretary, by written order published in the FEDERAL REGISTER, prescribes such a requirement with respect to a particular lease or type of lease, or unless Secretarial approval is specifically required by statute. However, the head of a bureau may request Secretarial approval of any proposed lease.

(b) With respect to any such lease, including a lease approved by the Secretary, the head of a bureau may modify or renew the lease if such action is legally permissible, and may terminate the lease if such action is legally authorized.

(c) Proposed leases, renewals, and modifications which would increase the area or rental involved should be cleared either with a division field office or with the Washington office of the Public Buildings Administration unless (1) the lease, modification, or renewal involves the acquisition of office space for a period of less than 6 months at a rental that is lower than $500 per annum, or (2) the lease involves the acquisition of space other than office space at an annual rental of less than $500, or (3) the lease involves space in real estate located outside the borders of the United States.

(d) The termination or lapse of a lease which has been cleared by the Public Buildings Administration should be reported to a division field office or the Washington office of that agency.

(e) The head of a bureau may redelegate to subordinate officials and employees of the bureau the authority granted in this section. Each such redelegation shall be published in the FEDERAL REGISTER.

(f) A copy of U. S. Standard Form 81, "Request for Clearance of Lease," or of Form REM 6, "Request for Clearance of Space," or of P–SC Form No. 6, "Request for Approval of Lease," for each lease and each modification or renewal of a lease shall be transmitted to the Chief Clerk of the Department. If the lease, modification, or renewal has been cleared with a division field office or the Washington office of the Public Buildings Administration, that fact shall be indicated on the copy sent to the Chief Clerk.

(g) As used in this section, the term "bureau" means The Alaska Railroad, the Alaska Road Commission, the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Mines, the Bureau of Reclamation, the Fish and Wildlife Service, the Geological Survey, the National Park Service, the Puerto Rico Reconstruction Administration, and the Southwestern Power Administration. This section has no application to the Bonneville Power Administrator, whose authority concerning leases is derived from the act of August 20, 1937, as amended (16 U. S. C., 832 et seq.) (5 U. S. C., 22)

SEC. 60. *Condemnation proceedings.* The head of any bureau of this Department may approve and sign correspondence concerning pleadings, awards, or judgments in condemnation proceedings, and any other routine, incidental, or related correspondence regarding the conduct of such proceedings, without the submission of such matters for Secretarial consideration, except that requests for condemnation proceedings and declarations of taking shall be submitted to the Secretary for consideration and approval. This section shall not be construed as a limitation upon the authority of the Bonneville Power Administrator with respect to the institution of condemnation proceedings and the execution of declarations of taking under section 12 of the Bonneville Project Act, as amended (16 U. S. C., 832) (5 U. S. C., 22)

SEC. 61. *Title opinions.* The head of any bureau of this Department may request the Attorney General to render opinions concerning the validity of title pursuant to section 355, Revised Statutes (40 U. S. C., 255) without the submission of such requests to the Secretary for consideration or approval. (5 U. S. C., 22)

SEC. 100. *Revocations; saving clause.* This order supersedes Subpart A—General, of Part 4, Title 43, Code of Federal Regulations, as amended. Subdelegations of authority which have been made pursuant to 43 CFR, Part 4, Subpart A, and which are in force on the effective date of this order shall remain in force until revoked or superseded by subdelegations made pursuant to this order.

J. A. KRUG,
Secretary of the Interior

JANUARY 13, 1949.

[F. R. Doc. 49–479; Filed, Jan. 19, 1949; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS TO ANTHRACITE INDUSTRY

NOTICE OF PUBLIC HEARING ON PROPOSED CONTINUATION AND CHANGES

Notice is hereby given that a public hearing will be held on Tuesday, February 1, 1949, at 10:00 a. m., e. s. t., in the Auditorium on the street floor of the Department of Commerce Building, Fourteenth Street, between E Street and Constitution Avenue NW., Washington, D. C., for the purpose of affording to industry, labor and the public generally

an opportunity to present their views with respect to (1) the proposed continuation, beyond February 28, 1949, of the voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products to the anthracite industry, approved by the Attorney General on August 24, 1948 and by the Secretary of Commerce on August 25, 1948, and subsequently published in the FEDERAL REGISTER (13 F. R. 5668) and (2) several proposed changes in the provisions of the plan.

The proposed continuation involves two procedures. One would be effective if the present authority contained in Public Law 395 is appropriately extended. The other would be effective if the present authority contained in Public Law 395 is not extended. The two procedures are represented by documents attached hereto as Exhibits A and B. They are in draft form and are subject to revision at or after the public hearing, including any revision which may become appropriate by virtue of enactment of extension legislation before final approval of the proposed documents.

Under one procedure (Exhibit A) it is proposed to amend the existing plan to provide that, in the event of statutory extension, the plan itself will automatically continue in effect during the seven-month period March 1, 1949 through September 30, 1949, which would round out the full third calendar quarter.

Under the other procedure (Exhibit B) it is proposed that the Secretary of Commerce will make a request, with the approval of the Attorney General, for unilateral action by steel producers in continuing deliveries for the program during the six-month period of March 1, 1949 through August 31, 1949, in accordance with section 2 (f) of Public Law 395.

The amendment (Exhibit A) also contains proposed changes in some of the provisions of the plan. These changes include a proposed 560-ton increase in the quantity of steel products to be made available under the plan as well as modifications in some of the operational details of the plan.

The proposed actions have been formulated after consultation with representatives of interested industries and Government agencies.

Any person desiring to participate in the public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Friday, January 28, 1949. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

EXHIBIT A—AMENDMENT

Proposed amendment to voluntary plan under Public Law 395, 80th Congress for allocation of steel products to the anthracite industry.

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry and operators of anthracite mines and after expression of the views of industry, labor and the public generally at an open public hearing held on February 1, 1949, has determined that, in order to carry out the program begun under the voluntary plan (13 F. R. 5668) entered into by steel producers to furnish certain steel products to operators of anthracite mines for the essential maintenance and repair of existing mining and preparation facilities, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in the said Public Law 395, that (1) steel producers make further deliveries of steel products to such operators beyond February 28, 1949 and (2) that certain changes be made in the existing plan to cover this and other matters.

Therefore, the above-mentioned voluntary plan is amended as follows:

a. In paragraph 1, change the phrase "a total of 2,570 net tons of steel products per month" to "a total of approximately 2,570 net tons of steel products per month through February 1949 and a total of approximately 3,130 net tons of steel products per month thereafter (if the plan continues in effect thereafter)"

b. By changing the steel products breakdown table in paragraph 2 (a) of the plan to read as follows:

Type	Total net tons per month	
	Through February 1949	After February 1949
Plates	550	550
Sheet and strip	750	750
Pipe	410	410
Rails	850	850
Structural shapes		320
Bars		250
Total	2,570	3,130

c. By adding the following after the certification at the end of subparagraph 3 (b)

In addition, certifications on orders placed after February 28, 1949 shall carry the following additional sentence:

The undersigned further certifies that it has been granted a specific allocation under the Plan for the delivery month specified in this order and that the quantity hereby ordered is within that allocation, after taking into account all other certified orders accepted, or pending acceptance, by participating steel producers for that month.

Except when otherwise authorized by the Office of Industry Cooperation, purchase orders shall be placed not less than 60 days before the first of the month in which delivery is required.

d. By adding the following as a new subparagraph (d) at the end of paragraph 3:

(d) Participation in the benefits of this plan shall at all times be contingent upon each participating operator's continued strict compliance with the provisions hereof. In the event of any actual or prospective noncompliance by any participating operator, the Secretary of Commerce may, after written notice to the participating operator, take such action as he deems warranted with respect to the operator's participation in the plan, including partial or total suspension or termination of participation privileges and notification to the participating steel producers not to make any or certain further shipments under the plan to such operator.

e. By adding the following at the end of paragraph 5: "However, if the time limitation of March 1, 1949 now specified in subsection 2 (b) of Public Law 395 is extended or otherwise changed by legislative action in a form which permits the continuation of this plan, the plan shall thereupon automatically continue in effect through September 30, 1949 (or through the date specified in such legislative action if a date earlier than September 30, 1949 is so specified), subject to other applicable provisions in this plan regarding earlier termination by the Secretary of Commerce and withdrawal by any individual participant."

f. By inserting the following new paragraph at the end of the plan:

7. Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General), in writing, to clarify the meaning of any terms or provisions in this plan shall be binding upon all participants notified of such interpretation.

After approval of this amendment by the Attorney General and by the Secretary of Commerce, and after any steel producer or any operator of anthracite mines has made a written acceptance of a request by the Secretary of Commerce for compliance herewith, this amendment shall become effective as to such steel producer or such manufacturer and shall be subject to the terms and conditions set forth in the original voluntary plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

EXHIBIT B—REQUEST

Proposed request under Public Law 395, 80th Congress, for allocation of steel products to the anthracite industry.

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with the steel producing industry and operators of anthracite mines, and after expression of the views of industry, labor and the public generally at an open public hearing held on February 1, 1949, has determined that, in order to carry out the program begun under the voluntary plan (13 F. R. 5668) entered into by steel producers to furnish certain steel products for the maintenance and repair of existing mining and preparation facilities, it will be necessary and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products to such manufacturers after the expiration of the plan on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress, and with the approval of the Attorney General, hereby requests:

1. That steel producers participating in the above-mentioned voluntary plan continue to make approximately 3,130 net tons of steel products available monthly, during the period March 1, 1949, through August 31, 1949, on certified orders from operators of anthracite mines; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That operators of anthracite mines place purchase orders hereunder only for the quantities and types of steel products established for them individually by the Secretary of Commerce; that they put identifying certifications on such purchase orders; and that they use all steel products obtained hereunder solely for the maintenance and repair of existing mining facilities.

In the event that an amendment to the above-mentioned voluntary plan extending its effectiveness beyond February 28, 1949, takes effect pursuant to appropriate legislation, this request will be superseded by said extended plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[F. R. Doc. 49-495; Filed, Jan. 19, 1949; 8:51 a. m.]

PROPOSED VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR FARM-TYPE GRAIN STORAGE BINS

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on Tuesday, February 1, 1949 at 2:30 p. m., e. s. t., in the Auditorium on the street floor of the Department of Commerce Building, 14th Street, between E Street and Constitution Avenue NW., Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to the proposed voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for the manufacture of farm-type grain storage bins. A draft of the plan is set forth in Exhibit A hereto.

In view of the essentiality of the program represented by this plan, it is proposed to provide for continued assistance beyond February 28, 1949, which will be the termination date specified in the plan itself, as required by Public Law 395. Provision for continuation consists of two procedures developed in consultation with the Attorney General. First, the termination provisions in the plan provide for extension beyond next February in the event that the authority now contained in Public Law 395 is appropriately extended. Second, the Secretary of Commerce proposes to make a request for unilateral action by participants in carrying on the program after that date under the "carry-over" provisions of Public Law 395. A draft of the proposed request is set forth as Exhibit B hereto.

Both Exhibits A and B are subject to revision at or after the public hearing, including any revision which may become appropriate by virtue of enactment of extension legislation before final approval of the proposed documents.

The proposed plan has been formulated after consulting with representatives of the steel producing industry and of the storage bin manufacturing industry.

Any person desiring to participate in said public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Friday, January 28, 1949. Persons desiring to present written statements or memoranda should submit them, in triplicate at the hearing.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

EXHIBIT A—PLAN

Proposed voluntary plan under Public Law 395, 80th Congress for allocation of steel products for farm-type grain storage bins.

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing and storage bin manufacturing industries, and with the interested government agencies, and after expression of the views of industry, labor and the public generally at an open public hearing held on February 1, 1949, has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395:

1. *What this plan does.* This plan sets up the procedure under which steel producers (hereinafter called Producers) agree voluntarily to make steel products available to grain storage bin manufacturers who comply with the provisions of this plan (hereinafter called participating Manufacturers), for use in the manufacture of cylindrical steel grain storage bins with a capacity of between approximately 750 to 3,000 bushels and designed primarily for use on the farm (hereinafter collectively called farm-type grain storage bins).

2. *Agreement by steel producers.* During the period this plan remains in effect, Producers will, out of their own production or that of their producing subsidiaries or affiliates, make available to participating Manufacturers a total of approximately 8,400 net tons of steel products per month (up to an aggregate total of approximately 50,400 net tons), distributed by types approximately as follows:

Type	*Net tons per month*
Galvanized sheets 18–26 gage	8,000
Black sheets 16 gage and heavier	200
Bar size angles	200
Total net tons per month	8,400

3. *Determination of quantities to be furnished by respective Producers.* Unless otherwise specified in its acceptance of this plan, the quantities to be made available by each Producer, at its commitment under this plan, will be such as the Secretary of Commerce, after consulting the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, determines to be fair and equitable. However, upon request of the Secretary of Commerce from time to time, each Producer will give consideration to making additional quantities available. Producers will take credit against their commitments under this plan only for quantities delivered on orders certified in accordance with paragraph 9 below.

4. *Contractual arrangements.* Such products will be made available under such contractual arrangements as may be made by the respective Producers, or their producing subsidiaries and affiliates, with the respective participating Manufacturers. No request or authorization will be made by the Department of Commerce relating to the allocation of orders or customers, the delivery of products, the allocation of business among participating Manufacturers, or any limitation or restriction on the production or marketing of any products. This plan does not authorize nor approve any fixing of prices, and participation in this plan does not affect the prices or terms and conditions on which any product is actually sold and delivered.

5. *Limitations as to types, sizes and quantities.* A Producer need make available under this plan only those products which are within the type and size limitations of the mill or mills which it may select for the fulfillment of its commitment under this plan. The quantities which it may have undertaken to make available in any month may be reduced, or at its option their delivery may be postponed, in direct proportion to any production losses during the month due to causes beyond its control.

6. *Reports from steel producers.* Each Producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942), submit to that office periodic reports of the total quantities, by types, of products shipped, and accepted for shipment, under the plan.

7. *Reports from participating manufacturers.* Each participating Manufacturer will submit the following to the Secretary of Commerce:

(a) *Requirements report.* A report showing the quantities and types of (i) farm-type grain storage bins (as defined in paragraph 1 above) scheduled for production during each month under this plan and (ii) steel products required for that scheduled production.

(b) *Other reports.* Such other relevant reports as may be requested from time to time by the Secretary of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942).

8. *Determination of allocations for respective participating manufacturers.* The quantities and types of steel products to be made available monthly under the plan to individual participating manufacturers will be determined by the Secretary of Commerce after consultation with the Grain Storage Bin Manufacturers Industry Task Committee, subject to such revision, if any, from time to time, as may be deemed necessary by the Secretary of Commerce after consultation with that Committee.

9. *Obligations of participating manufacturers.* By participation in this plan each participating Manufacturer shall be obligated as follows: To use all products obtained under this plan solely for and in the manufacture of farm-type grain storage bins (as defined in paragraph 1 above); not to resell or transfer any products so obtained under this plan in the form received by the participating Manufacturer; and not to build up, beyond current needs, any inventories of products obtained, or end products manufactured, under this plan.

If a participating Manufacturer becomes unable to use, for the purposes of this plan, any products obtained under this plan, he shall be further obligated to hold them subject to such other use or disposition (including re-allocation to other consumers or return to the producer from whom purchased) as shall be authorized by the Office of Industry Cooperation of the Department of Commerce.

Participation in the benefits in this plan shall at all times be contingent upon each participating Manufacturer's continued strict compliance with the provisions hereof. In the event of any actual or prospective noncompliance by any participating Manufacturer, the Secretary of Commerce may, after written notice to the participating Manufacturer, take such action as he deems warranted with respect to the Manufacturer's participation in the plan, including partial or total suspension or termination of participation privileges and notification to the participating steel producers not to make any or certain further shipments under the plan to such Manufacturer.

10. *Procedure for placing orders under this plan.* Purchase orders under this plan are to be placed with participating producers or their producing subsidiaries or affiliates. Except when otherwise authorized by the Office of Industry Cooperation, purchase orders shall be placed not less than 60 days before the first of the month in which delivery is required. Each such purchase order shall bear the following certification by the participating Manufacturer:

DEPARTMENT OF COMMERCE VOLUNTARY PLAN FOR ALLOCATION OF STEEL PRODUCTS FOR FARM-TYPE GRAIN STORAGE BINS

The undersigned certifies to the seller and to the Department of Commerce that the products specified in this order will be used solely for and in the manufacture of farm-type grain storage bins, and that this order is placed under, and in strict compliance with, the above voluntary plan, with which the undersigned is familiar and in which the undersigned is a participant. The undersigned further certifies that it has been granted a specific allocation under the plan for the delivery month specified in this order and that the quantity hereby ordered is within that allocation, after taking into account all other certified orders accepted, or

pending acceptance, by participating steel producers for that month.

(Name of company)

By ---
(Duly authorized officer)

(Date)

11. *Procedure for, and effect of, becoming a participant.* After approval of this plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of steel producers and storage bin manufacturers by the Secretary of Commerce, any such producer or manufacturer may become a participant in this plan by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the antitrust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such producers and manufacturers as notify the Secretary of Commerce in writing that they will comply with such requests.

12. *Effective date and duration.* This plan shall become effective upon the date of its final approval by the Secretary of Commerce. It shall cease to be effective at the close of business on February 28, 1949, unless the time limitation of March 1, 1949 now specified in section 2 (b) of Public Law 395, 80th Congress, is extended or otherwise changed by legislative action in a form which permits continuation of this plan, in which event this plan shall thereupon automatically continue in effect through September 30, 1949 (or through the date specified in such legislative action if a date earlier than September 30, 1949 is so specified). However, the Plan may be terminated on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days' notice by letter telegram, or publication in the FEDERAL REGISTER.

13. *Withdrawal from plan.* Any Producer or participating Manufacturer may withdraw from this plan by giving not less than 60 days' written notice to the Secretary of Commerce.

14. *Clarifying interpretations.* Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General), in writing, to clarify the meaning of any terms or provisions in this plan shall be binding upon all participants notified of such interpretation.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

EXHIBIT B—REQUEST

Proposed request under Public Law 395, 80th Congress, for allocation of steel products for farm-type grain storage bins.

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing and storage bin manufacturing industries and of the interested government agencies, and after expression of the views of industry, labor and the public generally at an open public hearing held on February 1, 1949, has determined that, in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for the manufacture of farm-type grain storage bins, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products for such purpose after the expiration of the plan on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress and with the approval of the Attorney General, hereby requests:

1. That steel producers participating in the above-mentioned voluntary plan continue to make available monthly approximately 8,400 net tons of steel products, during the period March 1, 1949, through August 31, 1949, on certified orders from manufacturers of farm-type grain storage bins; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That manufacturers of farm-type grain storage bins place purchase orders hereunder only for the quantities and types of steel products established for them individually by the Secretary of Commerce; that they put identifying certifications on such purchase orders; and that they use all steel products obtained hereunder solely for the manufacture of farm-type grain storage bins (as defined in the above-mentioned voluntary plan).

In the event that an extension of the effectiveness of the above-mentioned voluntary plan beyond February 28, 1949, takes effect pursuant to appropriate legislation, this request will be superseded by said extended plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[F. R. Doc. 49-494; Filed, Jan. 19, 1949; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7820, 8298]

SCENIC CITY BROADCASTING CO., INC., AND RHODE ISLAND BROADCASTING CO. (WRIB)

ORDER CONTINUING HEARING

In re applications of Scenic City Broadcasting Company, Inc., Middletown, Rhode Island, Docket No. 7820, File No. BP-4902; Rhode Island Broadcasting Company (WRIB), Providence, Rhode Island, Docket No. 8298, File No. BMP-2479; for construction permits.

Whereas, the above-entitled applications are presently scheduled to be heard on January 26, 1949, at Washington, D. C., and

Whereas, the public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 7th day of January 1949, on the Commission's own motion, that the hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, January 31, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-489; Filed, Jan. 19, 1949; 8:50 a. m.]

[Docket No. 8329]

MACKAY RADIO AND TELEGRAPH CO., INC., AND RCA COMMUNICATIONS, INC.

ORDER POSTPONING HEARING

In the matter of Mackay Radio and Telegraph Company, Inc., RCA Communications, Inc. Applications for modification of licenses to authorize communication with Pakistan.

The Commission having under consideration a telegraphic request of January 7, 1949 from Mackay Radio and Telegraph Company, Inc., that its application herein be dismissed without prejudice; and having also under consideration informal advice from counsel for RCA Communications, Inc., that in view of the above request by Mackay Radio and Telegraph Company, RCA Communications has no objection to a continuance of the hearing herein scheduled for January 10, 1949.

It is ordered, This 7th day of January 1949, that the hearing herein, now scheduled to begin on January 10, 1949 is postponed without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-492; Filed, Jan. 19, 1949; 8:51 a. m.]

[Docket Nos. 9103, 9202]

HARRISONBURG BROADCASTING CO. AND COUNTY BROADCASTING SERVICE

ORDER CONTINUING HEARING

In re applications of H. Bruce Starkey, Charles R. Morrison and Carroll H. Morrison, d/b as Harrisonburg Broadcasting Company, Harrisonburg, Virginia, Docket No. 9103, File No. BP-6516; Frank U. Fletcher, tr/as County Broadcasting Service, Mount Jackson, Virginia, Docket No. 9202, File No. BP-6766; for construction permits.

Whereas, the above-entitled applications are presently scheduled to be heard on January 12 and 13, 1949, at Harrisonburg and Mount Jackson, Virginia, respectively; and

Whereas, the public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 7th day of January 1949, on the Commission's own motion, that the hearing upon the above-entitled applications be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-490; Filed, Jan. 19, 1949; 8:50 a. m.]

[Docket No. 9109]

JAMES MADISON BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of James Madison Broadcasting Corporation, Orange, Virginia, Docket No. 9109, File No. BP-6828; for construction permit.

Whereas, the above-entitled application is presently scheduled to be heard on January 10, 1949, at Orange, Virginia; and

Whereas, the public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 7th day of January 1949, on the Commission's own motion, that the hearing upon the above-en-

titled application be, and it is hereby, continued to 10:00 a. m., Monday, February 14, 1949, at Orange, Virginia.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-491; Filed, Jan. 19, 1949; 8:50 a. m.]

STATION WSID

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on January 4, 1949, there was filed with it an application (BAL-821) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of station WSID from Sidney H. Tinley, Jr., to United Broadcasting Company, Inc. The proposed assignment is based upon an agreement dated December 16, 1948. The contract, subject to Federal Communications Commission's approval, provides for sale of all physical assets of radio station WSID, free and clear of liabilities, for $80,000. Ten thousand dollars ($10,000) has been deposited in escrow with Baltimore National Bank and balance is to be paid as follows: $15,000 additional upon final approval by the Federal Communications Commission; a $40,000 first mortgage upon all assets of United Broadcasting Company, Inc., which includes Radio station WOOK at Silver Springs, Maryland, payable in quarterly installments of $3,000 each; $15,000 in station advertising time to be used by Sidney H. Tinley, Jr. in behalf of any business enterprise with which he is identified and to be used during a period not to exceed 8 years from settlement date. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on January 4, 1949, that starting on January 5, 1949, notice of the filing of the application would be inserted in a newspaper of general circulation at Essex, Maryland in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from January 5, 1949 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-487; Filed, Jan. 19, 1949; 8:50 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

SUNSHINE BROADCASTING CO. ET AL.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL, AND PROPOSED ASSIGNMENT OF LICENSES AND PERMITS [1]

The Commission hereby gives notice that on December 17, 1948, there was filed with it three applications (BTC-722, BAPL-43, BAL-822) for its consent under section 310 (b) of the Communications Act to the following proposed transfers of control and assignments of permits and licenses: (1) Application for consent to the assignment of permits and licenses for stations KANS, KBIT and KEHT, Wichita, Kansas from Kansas Broadcasting, Inc., to Taylor Radio and Television Corporation; (2) application for consent to the assignment of permit and license for station KRGV and KRGV-FM from KRGV Inc. to Taylor Radio and Television Corporation; (3) application for consent to transfer of control of Sunshine Broadcasting Company, licensee of station KTSA and KTSA-FM, San Antonio, Texas from the present stockholders of Sunshine Broadcasting Company to Gene Autry. The proposals to transfer control and assign the permits and licenses arise out of two basic agreements, dated November 23, 1948 made with the intent to accomplish (a) the ultimate sale of assets and assignment of license of Kansas Broadcasting, Inc., licensee of radio station KANS, located in Wichita, Kansas, to Taylor Radio and Television Corporation, for a total consideration of $200,000.00, (b) the ultimate sale of assets and assignment of license of KRGV, Inc., licensee of radio KRGV located in Weslaco, Texas, to Taylor Radio and Television Corporation, for a total consideration of $320,000.00 plus interest charges of 4 percent, and (c) the acquisition by Taylor Radio and Television Corporation of the 3,000 issued and outstanding shares of common stock of Sunshine Broadcasting Company, and the simultaneous sale and transfer of those same shares of capital stock to Gene Autry, for a total consideration of $450,000.00 in cash.

The three transactions are associated and the consummation of each is essentially dependent upon the consummation of the other two. The assignment of radio station KANS does not involve a change in control and does not come under the provisions of § 1.321 (b) of the Commission's rules and regulations. The completion of the assignment of radio station KRGV is dependent upon the completion of the assignment of radio station KANS. The stockholders of Taylor Radio and Television Corporation are transferring the capital stock of Sunshine Broadcasting Company (KTSA) to Gene Autry, in order to consolidate their interests upon the completion of the proposed assignment of radio station KANS and radio station KRGV. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on January 10, 1949, that starting on December 27, 1948, notice of the filing of the KTSA application would be inserted in The San Antonio Express, a newspaper of general circulation at San Antonio, Texas, in conformity with the above section. Also on January 10, 1949, the Commission was advised that starting on December 24, 1948, notice of the filing of the KRGV application would be inserted in the Valley Review, a newspaper of general circulation at Weslaco, Texas, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from December 27, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-488; Filed, Jan. 19, 1949; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Dockets Nos. G-882, G-1135]

TRUNKLINE GAS SUPPLY CO. AND MESABI PIPE LINE CO.

ORDER FIXING DATE OF CONTINUED HEARING AND SEVERING PROCEEDINGS

On November 10, 1948, the Commission issued an order at Docket No. G-882 continuing that proceeding for the specific purpose of receiving additional evidence in support of the amended application of Trunkline Gas Supply Company (Trunkline) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended. Such order provided, among other things, for an early hearing upon notification by Trunkline of its ability to go forward with the presentation of such additional evidence.

On January 12, 1949, Trunkline filed a notification with the Commission advising that Trunkline is prepared to go forward with the presentation of such additional evidence and requesting that further hearings at Docket No. G-882 be set to commence on February 1, 1949.

Mesabi Pipe Line Company has not indicated that it is prepared to go forward with the presentation of evidence in support of its application at Docket No. G-1135 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, further public hearings be held in the proceedings at Docket No. G-882, beginning on February 1, 1949, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washing-

ton, D. C., concerning the matters involved and the issues presented therein, subject to the provisions of the Commission's order issued in this matter on November 10, 1948.

(B) The proceeding at Docket No. G-882 be and it is hereby severed from the proceedings at Docket No. G-1135 and the hearing upon the application at Docket No. G-1135 be and it is hereby postponed subject to further order of the Commission.

(C) All intervenors in the proceedings at Docket No. G-882 may participate in such hearing in accordance with leave heretofore granted by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: January 14, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-482; Filed, Jan. 19, 1949; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Application 7]

ASSOCIATION OF AMERICAN RAILROADS

APPLICATION FOR APPROVAL OF AGREEMENT

JANUARY 11, 1949.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed by W T. Faricy, Attorney-in-fact, Transportation Building, Washington 6, D. C., Southern Railway Company, John B. Hyde, Vice President, Washington 13, D. C.

Agreement involved: An agreement between and among common carriers by railroad relating to per diem, mileage, or demurrage and storage rates and charges, and rules, regulations and procedures for the joint consideration, initiation or establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the General Rules of Practice of the Commission, persons other than applicant should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-493; Filed, Jan. 19, 1949; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2009]

UNITED GAS IMPROVEMENT CO. AND HARRISBURG GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of January 1949.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The United Gas Improvement Company ("UGI") a registered holding company, and its public utility subsidiary, The Harrisburg Gas Company ("Harrisburg") Declarants designate section 12 of the act and Rule U-45 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than January 28, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said joint declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 28, 1949, said joint declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

UGI proposes to advance to Harrisburg an open book account, from time to time on or before May 1, 1949, an amount not exceeding $600,000, bearing interest at the rate of 2¾% annually. The proceeds of the advance, together with other funds, will be used by Harrisburg to meet the cost of its construction program to May 1, 1949 and to provide for the purchase of certain gas properties located in Cumberland County, Pennsylvania. It is stated that the acquisition of said gas properties will be made only if and when it is approved by the Pennsylvania Public Utility Commission and, in the opinion of Harrisburg's counsel, said acquisition is not subject to this Commission's jurisdiction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-480; Filed, Jan. 19, 1949; 8:46 a. m.]

[File No. 70-2023]

CINCINNATI GAS & ELECTRIC CO. AND UNION LIGHT, HEAT AND POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of January 1949.

The Cincinnati Gas & Electric Company ("Cincinnati") a subsidiary of The United Corporation, a registered holding company, and The Union Light, Heat and Power Company ("Union") a subsidiary of Cincinnati, having filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7, 9, 10 and 12 thereof and Rule U-43 promulgated thereunder, with respect to the following transactions:

Union proposes to offer to holders of its common stock par value $100 per share, the right to purchase at par an aggregate of 20,000 additional shares pro rata at the rate of 4/94ths of a share for each 1/94th of a share held. The additional shares will be sold at the amount of $100 for each full share and in units of 1/94th of a share at a price of $1.07 a unit for fractional shares. Cincinnati, which owns 98.42% of Union's common stock, will exercise its right to purchase its pro rata proportion of the additional common stock. Cincinnati owns $2,067,238.47 principal amount of 6% demand notes of Union. Cincinnati will pay for the additional common stock by the surrender for cancellation of a principal amount of demand notes of Union equal to the aggregate par value of the common stock being purchased. The balance of such demand notes will be paid by Union from its treasury funds. As a result of such transaction, Cincinnati will receive 19,683 38/94ths shares of the additional common stock of Union.

Cincinnati proposes to enter into a supplemental indenture to its First Mortgage with the Irving Trust Company to provide for the satisfaction of preemptive rights of minority stockholders under applicable law in connection with the sale of equity securities to Cincinnati by its subsidiaries.

Union further proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $5,000,000 principal amount of First Mortgage Bonds.

Union has requested that an order with respect to the issue and sale of additional common stock be issued prior to the issue of an order with respect to the bonds so that the sale of such common stock may be consummated prior to the proposed sale of the bonds.

Said application-declaration having been duly filed, and notice of said filings having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the proposed sale of common stock, the acquisition by Cincinnati of its pro

rata proportion of such common stock, the cancellation of the 6% Demand Notes of Union and the modification of Cincinnati's First Mortgage with the Irving Trust Company that the applicable requirements of the act are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration with respect thereto be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the Act and subject to the terms and conditions prescribed in Rule U-24 that the joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith with respect to the issue and sale of new common stock by Union, the acquisition by Cincinnati of its pro rata proportion of such common stock, the cancellation of the 6% demand notes of Union and the modification of Cincinnati's First Mortgage with the Irving Trust Company, and that said joint application-declaration be continued with respect to the issue and sale of $5,000,000 principal amount of First Mortgage Bonds by Union.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-481; Filed, Jan. 19, 1949; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12592]

MARIE PRESSPRICH ET AL.

In re: Trust agreement dated June 2, 1924, between Marie Pressprich, settlor, and Ernest C. Pressprich and Reginald W. Pressprich, trustees. Files Nos. D-28-3852 and D-28-3852-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gabrielle Tegetmeier Felber, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated June 2, 1924, by and between Marie Pressprich, settlor, and Ernest C. Pressprich and Reginald W Pressprich, trustees, presently being administered by Ernest C. Pressprich, 3 East 84th Street, New York, New York, and Reginald W Pressprich, Purchase, New York, trustees,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 49-497; Filed Jan. 19, 1949; 8:51 a. m.]

[Vesting Order 12604]

ERICH RASSBACH

In re: Bonds and stock owned by Erich Rasbach. F-63-4717.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erich Rassbach, whose last known address is Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with any and all rights thereunder and thereto,

b. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

c. Ten (10) shares of $100.00 par value capital stock of American Telephone & Telegraph Company, 195 Broadway, New York 7, New York, a corporation organized under the laws of the State of New York, presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

d. Ten (10) shares of $5.00 par value common capital stock of Middle West Corporation, 92 Market Street, Wilmington 99, Delaware, a corporation organized under the laws of the State of Delaware, presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends or other distributions thereon,

e. One (1) share of $15.00 par value capital stock of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York 20, New York, a corporation organized under the laws of the State of Delaware, and presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

f. Forty (40) shares of $12.50 par value common capital stock of Westinghouse Electric Corp. (formerly Westinghouse Electric & Mfg. Co.) 306 4th Avenue, Pittsburgh, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, and presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

g. Ten (10) shares of $25.00 par value common capital stock of Pacific Gas and Electric Corporation, 245 Market Street, San Francisco 6, California, a corporation organized under the laws of the State of California and presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

h. Ten (10) shares of no par value capital stock of Standard Oil Company of California, Standard Oil Building, 225 Bush Street, San Francisco 20, California, a corporation organized under the laws of the State of Delaware, and presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

i. Thirty (30) shares of no par value capital stock of International Harvester Company, 18 North Michigan Avenue, Chicago, Illinois, a corporation organized under the laws of the State of New Jersey, and presently in the custody of

Bankers Trust Company, 16 Wall Street, New York 15, New York and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

j. Forty (40) shares of no par value capital stock of Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Illinois, a corporation organized under the laws of the State of New York, and presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon, and,

k. That certain debt or other obligation of the Bankers Trust Company, 16 Wall Street, New York 15, New York, representing cash held in an account of Credit Suisse, Zurich, Switzerland, allocable to, representing accretions from and accumulations on the securities described in subparagraphs (a) through (j) above, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Erich Rassbach, the aforesaid national of a designated enemy country (Germany).

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Description of issue	*Total face value*
Baltimore & Ohio R. R. Co. convertible, due 1960	$2,000.00
Missouri Pacific R. R. Co. general gold due 1975	2,000.00
New York Central R. Co., New York Central & H. R. R. R. Co. refunding and improvement, series A, due 2013	1,000.00
The New York, New Haven & Hartford R. R. Co., convertible debenture gold, due 1948	2,000.00

EXHIBIT B

Name and address of issuing corporation	State of incorporation	Number of shares	Par value	Type of stock	Name and address of issuing corporation	State of incorporation	Number shares	Par value	Type of stock
Electric Bond & Share Co., 2 Rector St, New York 6, N. Y.	New York	3	$5.00	Common.	The United Corp., 37 Wall St., New York 5, N. Y.	Delaware	5	$1.00	Common.
The Pennsylvania R. R. Co., Broad St. Station Bldg., Philadelphia, Pa.	Pennsylvania	10	50.00	Capital.	General Electric Co., 1 River Rd., Schenectady, N. Y.	New York	25	No par	Do.
Anaconda Copper Mining Co., 25 Broadway, New York 4, N. Y.	Montana	15	50.00	Common.	Public Service Electric & Gas Co., 80 Park Pl., Newark 1, N. J.	New Jersey	10	No par	Do.
General Motors Corp., 3044 West Grand Blvd., Detroit, Mich.	Delaware	10	10.00	Do.	Radio Corp. of America, RCA Bldg., 30 Rockefeller Plaza, New York 20, N. Y.	Delaware	12	No par	Do.
Bendix Aviation Corp., Fisher Bldg., Detroit 2, Mich.	do	50	5.00	Capital.					

[F. R. Doc. 49-500; Filed, Jan. 19, 1949; 8:52 a. m.]

[Vesting Order 12597]

MOTOI FUJIURA ET AL.

In re: Bank accounts, bonds, cash and stock owned by and debts owing to Motoi Fujiura and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual, whose name is set forth in either Exhibit A as owner, Exhibit B, Exhibit C as owner, Exhibit D or Exhibit E, all of which Exhibits are attached hereto and by reference made parts hereof, each of whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That Motoi Fujiura, Seikichi Hamaguchi, Masao Sakamoto and Masato Yamane, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan)

3. That the property described as follows:

a. That certain debt or other obligation owing to Motoi Fujiura, by The Anglo California National Bank of San Francisco, 1 Sansome Street, San Francisco, California, arising out of a savings account, account number 2952 entitled Motoi Fujiura, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Motoi Fujiura, by The Anglo California National Bank of San Francisco, 1 Sansome Street, San Francisco, California, arising out of a savings account, account number 113713, entitled Motoi Fujiura, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Seikichi Hamaguchi, by the California Bank, 625 South Spring Street, Los Angeles, California, arising out of a savings account, account number 5853, entitled Seikichi Hamaguchi, maintained at the branch office of the aforesaid bank located at 601 Tuna Street, Terminal Island, California, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation owing to Masao Sakamoto, by California Bank, 625 South Spring Street, Los Angeles, California, arising out of a savings account, account number 8767, entitled Masao Sakamoto, maintained at the branch office of the aforesaid bank located at 9441 Wilshire Blvd., Beverly Hills, California, and any and all rights to demand, enforce and collect the same,

e. That certain debt or other obligation owing to Tadao Shigemichi, by Bank of America National Trust and Savings Association, 1 Powell Street, San Francisco, California, arising out of a checking account, entitled Tadao Shigemichi, maintained at the branch office of the aforesaid bank located at Dinuba, California, and any and all rights to demand, enforce and collect the same,

f. That certain debt or other obligation owing to Masato Yamane, by Bank of America National Trust and Savings Association, 1 Powell Street, San Francisco, California, arising out of a savings account, account number 410, entitled Masato Yamane, maintained at the branch office of the aforesaid bank located at Reedley, California, and any and all rights to demand, enforce and collect the same,

g. Those certain bonds described in said Exhibit A, owned by the persons identified therein as owners, and presently in the custody of Federal Reserve Bank of New York, New York, New York, together with any and all rights thereunder and thereto,

h. Cash in the amount of $12,048.72, presently in the custody of Federal Reserve Bank of New York, New York, New York, owned by the persons listed in

said Exhibit B, in the amounts appearing opposite each name,

i. Those certain shares of stock evidenced by the certificates described in said Exhibit C, owned by the persons identified therein as owners, presently in the custody of Federal Reserve Bank of New York, New York, New York, together with all declared and unpaid dividends thereon,

j. That certain debt or other obligation owing to each individual, whose name is set forth in Exhibit D, by American Express Company, 65 Broadway, New York 6, New York, in the respective amount appearing opposite the name of each individual, and any and all accruals thereto, evidenced by the American Express Company Travelers Checks, described in Exhibit D, which checks are presently in the custody of the Federal Reserve Bank of New York, New York, New York, and any and all rights to demand, enforce and collect the aforementioned debt or other obligation together with any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of the aforesaid travelers checks,

k. That certain debt or other obligation owing to each individual, whose name is set forth in Exhibit E, by Bank of America National Trust and Savings Association, 1 Powell Street, San Francisco, California, in the respective amount appearing opposite the name of each individual, and any and all accruals thereto, evidenced by the Bank of America National Trust and Savings Association Travelers Checks, described in Exhibit E, which checks are presently in the custody of the Federal Reserve Bank of New York, New York, New York, and any and all rights to demand, enforce and collect the aforementioned debt or other obligation together with any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of the aforesaid travelers checks,

l. One Certificate of Interest representing 5 shares of Burk Belt Oil & Gas Co., Wichita Falls, Texas, $10.00 par value per share, said certificate numbered 995, registered in the name of K. Teramoto, and presently in the custody of the Federal Reserve Bank of New York, New York, New York, together with any and all rights thereunder and thereto, and

m. One Certificate of Interest, dated December 10, 1932, issued by Committee of Depositors of Pacific Commercial Bank of Seattle, Washington, representing depositors claim for $1,000, said certificate numbered 350, registered in the name of Mrs. Toyo Shibuya, and presently in the custody of the Federal Reserve Bank of New York, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan),

and it is hereby determmed:

4. That to the extent that the persons referred to in subparagraph 1 hereof and the persons named in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

BONDS OWNED BY MASAYAKI (MASAYUKI) GODAIN AND OTHERS

Description of issue	Certificate No.	Face value	Registered name	Owner
United States Savings Bonds, Series E	C61986541E	$100.00	Mr. Masayuki Godain	Masayaki (Masayuki) Godain.
	C61986542E	100.00	do	Do.
	D8666132E	500.00	do	Do.
	D8666133E	500.00	do	Do.
	D8666134E	500.00	do	Do.
	C3417341E	100.00	Mr. Masayaki Godain or Miss Kaiko Kameyama.	Do.
	C3417342E	100.00	do	Do.
United States Savings Bonds	666144891	25.00	Mr. Fujio Hamachi or Mr. Tozo Hamachi	Fujio Hamachi.
	288483	200.00	do	Do.
	87819291	50.00	Mr. Senmatsu Kawachi or Mr. Kikuo Kawachi.	Senmatsu Kawachi or Kikuo Kawachi.
	61986545	100.00	do	Do.
	61986544	100.00	do	Do.
	61986543	100.00	do	Do.
	9333779	500.00	do	Do.
	9333780	500.00	do	Do.
Imperial Japanese Govt., external loan of 1924, 30 year 6½% sinking fund gold bond.	111325	1,000.00		Roku Kondo.
United States Savings Bonds	C123251404E	100.00	Taizo Nagahama	Taizo Henry Nagahama.
	C123251405E	100.00	do	Do.
	L155073157E	50.00	do	Do.
United States Savings Bonds, Series E	Q457600964E	25.00	Mr. Minesaburo Nagao	Minesaburo Nagao (Kyofu Asihara).
	Q457600965E	25.00	do	Do.
	Q457600966E	25.00	do	Do.
	Q457600967E	25.00	do	Do.
United States Savings Bonds	2248540	50.00	Mrs. Fumi Nozaki or Mr. Shinichi Nozaki	Fumiko Nozaki.
	2248541	50.00	do	Do.
United States Savings Bonds, Series E	M1076616E	1,000.00	Yuzo Nozawa	Yuzo Nozawa.
	M1076617E	1,000.00	do	Do.
	M1936003E	1,000.00	do	Do.
	C10064380E	100.00	do	Do.
	C10064381E	100.00	do	Do.
	C10064382E	100.00	do	Do.
Shinyetsu Electric Power Co., First mortgage sinking fund 6½% gold bonds.	3713	1,000.00		Atsuro Sasaki.
	4118	1,000.00		Do.
United States Savings Bonds	D15089476E	500.00	Yeisuke Yamada	Yeisuke Yamada.
	C123251414E	100.00	do	Do.
	C123251413E	100.00	do	Do.
	Q721681207E	25.00	do	Do.
Tokyo Dento Kabushiki Kaisha (Tokyo Electric Light Co. Ltd.).	19500	1,000.00		Masami Ondo.
	3905	1,000.00		Do.
	55447	1,000.00		Do.
City of Tokio, external loan of 1927 sinking fund 5½% gold bonds.	841	1,000.00		Do.
	842	1,000.00		Do.
	843	1,000.00		Do.

EXHIBIT B

CASH OWNED BY SHINICHI AKIRA AND OTHERS

Name	Amount
Shinichi Akira	$2,200.00
Seichi (Seiichi, Serichi) Ando	36.00
Ando	36.00
Toshinari Aoyama	185.00
Kazuo (Fazuo) Arai	1.89
Keitaro Daigo	96.00
Hatsuyo Fujinaka (Flyinako)	1,900.00
Ukiki Yukiko Fujinaka	157.00
Yoshiharu (Yoshimaru) Fujita	57.63
Mazumi (Nasumi, Masumi) Hanaoka	813.00
Shigenari (Shiginari) Hattori	107.09
Elichiro Hiromitsu	143.10
Seichi (Susi) Hiroyoshi	109.00
Fukujiro Hoshiya	75.00
Seizo Imai	543.97
Seizo Imai	300.00

CASH OWNED BY SHINICHI AKIRA AND OTHERS—continued

Name	Amount
W. Shigerow Inokuma	$430.00
Hokichi Inouye	250.00
Jintaro Kaino	8.00
Ichizo Charlie (Ichigo) Kaku	10.00
Kihachihro (Kinachiro) Kimura	83.00
Koshiro (Koshira) Kitashima	10.30
Motowo (Koshimo) Kojima	304.00
Sansuko (Sansuki) Kokawa	1.25
Kimiyo Kuwabara	50.00
Kiyoshi Matsuno (Matsuro)	539.00
Tsunesue Miyagawa (Miyakawa)	5.00
Shigeru Miyakoda	77.50
Totaro Moriguchi	74.50
Chio Muetz (Meutze)	74.00
Kyoichi (Kiyoichi) Nakano	72.93
Kai Nilda	240.00
Ziro Nisimura (Misimura)	128.00
Kosuye (Kasuye) Nomura	40.00

CASH OWNED BY SHINICHI AKIRA AND OTHERS—continued

Name	Amount
Yuzo Nozawa	810.40
Kiyoko Oda	100.00
Atsuro Sasaki	58.86
Takeo Sato	50.00
Goro Seiki (Seki)	55.00
Kichitaro Sekiya	60.23
Mrs. Toyo Shibuya	12.00
Tadao Shigemichi	7.00
Eiji Takahashi	207.00
Umon (Uman) Takahashi	8.56
Torao Takei	134.45
Yutake Takese (Takase)	137.00
Mateo Uno	554.00
Sutezo Watabiki (Watapiki)	683.00
Choji Yamaga (Choju Yanaga)	740.00
Tetsuo Yamaguchi	6.00
Ikuko Yasui	74.00

EXHIBIT C

STOCK OWNED BY HIDETARO ANO AND OTHERS

Name and address of issuer	Place of incorporation	Certificate Nos.	Number of shares	Par value	Type of stock	Name of owner
U. S. Metallic Magnesium Co.		497	2,000	$0.10	Capital	Hidetaro Ano.
		535	700	.10	do	Do.
		532	300	.10	do	Do.
		533	200	.10	do	Do.
Cities Service Co., 60 Wall St., New York, N. Y.	Delaware	XL154956	4	No par	Common	Do.
		BL76160	5	No par	do	Do.
Transamerica Corp., Montgomery St., at Columbus Ave., San Francisco 11, Calif.	do	SF-C51479	3	No par	Capital	Do.
Wishka Holding Co.		11	300	$0.50	do	Do.
Associated Gas & Electric Co., 61 Broadway, New York, N. Y.	New York	NY-E0485	(1)	No par	Class A	Do.
Nothern Oil Co.	Washington	1852	50	$1.00	Capital	Do.
Oakwood Farm Co., Concord, Contra Costa County, Calif.		3	25	100.00	do	Hisajiro Fukuchi.
Nothern Oil Co.	Washington	2009	5	1.00	do	Waichi Hayashi.
Ohio Copper Co. of Utah, Dooly Bldg., Salt Lake City, Utah.	Maine	118527	100	1.00	do	Do.
Pacific Products Corp.	Washington	14	100	.25	do	Do.
		22	1,000	.25	do	Do.
General Aviation Equipment Co., Inc., 61-73 Mary St., Ashler, Pa.	Delaware	C157	100	1.00	do	Do.
Mabelle Mine, Inc.	Alaska	723	200	.01	do	Do.
		788	500	.01	do	Do.
Wishka Holding Co.	Washington	137	400	.50	do	Do.
Carbon Dioxide & Chemical Co.	Delaware	1335	20	1.00	do	Do.
		1343	20	1.00	do	Do.
Transamerica Corp., Montgomery St. at Columbus Ave., San Francisco, Calif.	do	SFDS2235	50	No par	Nonassessable	Hisaya (Hisao) Imagawa.
Delicious Fruit Farm Co.		1	100	$10.00	Capital	W. Shigerow Inokuma.
		2	93	10.00	do	Do.
The New World Sun, Inc., San Francisco, Calif.	California	15	70	10.00	Common	Do.
Peruvian Oilfields Corp.	Delaware	221	20	1.00	do	Tsunesue Miyagawa (Miyakawa).
		275	100,000	1.00	do	Do.
Balston Automatic Writing Machine Co.	do	323	10		Class A	Do.
		325	10		Class B	Do.
Golden State Mines Co.	Nevada	1025	1,000	.10	Capital	Do.
		1026	1,000	.10	do	Do.
		2023	1,000	.10	do	Do.
		2029	1,000	.10	do	Do.
Consolidated Razor Corp. of America	do	C410	254	No par	do	Do.
		C270	84	No par	do	Do.
		C271	9	No par	do	Do.
		C411	23	No par	do	Do.
		C317	1,250	No par	do	Do.
Atlantic Keystone Petroleum Co., Ltd.	New York	16721	50	No par	do	Do.
National Title & Mortgage Co.	New Jersey	133	2	$100.00	Preferred	Do.
		136	7	No par	Common A	Do.
Southern California Edison Co., Edison Bldg., 601 West 5th St., Los Angeles, Calif.	California	A014203	4	$25.00	Preferred	Shigeru Miyakoda.
		013703	4	25.00	do	Do.
South Manchurian Ry. Co., Ltd.		128305	10		Capital	Mitsuzo (Fred M.) Munakoshi.
		142304	10		do	Do.
		127994	10		do	Do.
		127995	10		do	Do.
		076309	10		do	Do.
The Pacific Building & Loan Association, Tacoma, Wash.	Washington	13553	10	100.00	do	Kiyoko Nakashima and Y. Nakashima.
K. Mikimoto Inc.	New York	0	50	10.00	do	Iwao (Iruzo) Okada.
New Pacific Holding Co., Seattle, Wash.	Washington	227	80	No par	Common	Sadakichi Shibuya and Toyo Shibuya.
Acampo Winery & Distilleries, Inc., Acampo, Calif.	California	229	20	$5.00	Capital	Kinzo (A. S.) Takahashi.
		536	1	5.00	Nonassessable	Do.
Texas Arizona Petroleum Co., Fort Worth, Tex.		1982	50	10.00	Capital	Kazaburo Terumoto.
		607	100	10.00	do	Do.
		6035	25	10.00	do	Do.
		6258	37½	10.00	do	Do.
Mexico-American Petroleum Co., Wichita Falls, Tex.		393	150	10.00	do	Do.
Columbia Oil Co.		703	62½	10.00	do	Do.
		17	25	10.00	do	Do.
		18	25	10.00	do	Do.
Nelson Petroleum Co.		428	5	10.00	do	Do.
		150	5	10.00	do	Do.
Interborough Consolidated Corp.		12170	49	10.00	Common	Tokyro Yoshimura.
Caddo Central Oil & Refining Corp.		4215	100	10.00	Capital	Do.
		4216	100	10.00	do	Do.
		4217	100	10.00	do	Do.

[1] 48.20 100ths of 1 share.

EXHIBIT D

DEBT OWING TO KAZUO (FAZUO) ARAI AND OTHERS

Creditor	Number	Amount
Kazuo (Fazuo) Arai	A25534526	$10.00
	B20067061	20.00
	B20067062	20.00
Kinzo Furukawa	B20067077	20.00
	B20067078	20.00
	R5427470	100.00
	R5427471	100.00
Jintaro Kaino	A25534612	10.00
	B20067236	20.00
	R5427500	100.00
Umon (Uman) Takahashi	B20067875	20.00
	B20067876	20.00
	B20067877	20.00
	B20067878	20.00
	B20067879	20.00
	B20067880	20.00
	B20067881	20.00
	B20067882	20.00
	B20067883	20.00
	B20067884	20.00
	B20067885	20.00
	B20067886	20.00
Tetsuo Yamaguchi	B20067977	20.00
	B20067978	20.00
	B20067979	20.00
	B20067980	20.00
	A25534928	10.00

EXHIBIT E

DEBTS OWING TO SEICHI (SEIICHI, SERICHI) ANDO

Creditor	Number	Amount
Seichi (Seiichi, Serichi) Ando	A0582053	$100.00
	A0582055	100.00
Fujio Hamachi	A0545864	100.00
	A0545865	100.00
	A0545862	100.00
	A0545863	100.00
Goichi Hirata	A6706508	20.00
	A6706509	20.00
	A0546049	100.00
	A0546050	100.00
	A0546051	100.00
	A0546052	100.00
	A0546053	100.00
	A0546054	100.00
	A0546055	100.00
	A0546056	100.00
	A0546057	100.00
Sisko Shizuko Ikeda	B4471866	10.00
	A6708965	20.00
	A6708966	20.00
	A6708971	20.00
	A6708972	20.00
	A6708973	20.00
	A6708974	20.00
	A6708975	20.00
	A6708976	20.00
	A6708977	20.00
	A6708978	20.00
	A6708979	20.00
	A6708980	20.00
	A6708981	20.00
	A6708982	20.00
	A6708983	20.00
	A6708984	20.00
	A6708985	20.00
	A6708986	20.00
	A6708987	20.00
	A6708988	20.00
	A6708989	20.00
	A6708990	20.00
N. (Nobuichi) Ishida	A0545527	100.00
Ichiro Charlie (Ichigo) Kaku	A1358592	50.00
Wakashi (Wakachi) Kanzaki	A6630209	20.00
	A1359069	50.00
	A0549122	100.00
	A0549123	100.00
	A0549124	100.00
	A0549126	100.00
Taichi Kawahara (Kawahara Taichi)	A1334210	50.00
Koshiro (Koshira) Kitashima	A5936249	20.00
	A5936250	20.00
Sansuko (Sansuki) Kokawa	A0545552	100.00
	A0545553	100.00
Fuchi Konishi	A1359513	50.00
Sadami Martha Kozuki	A1367790	50.00
Imajiro Marui	A1358506	50.00
Sadako Matsuda	A6630291	20.00
	A6630292	20.00
	A6630293	20.00
	A6630294	20.00
	A6630295	20.00
	A6630296	20.00
	A6630297	20.00
	A6630298	20.00
	A6630299	20.00
	A6620300	20.00

DEBTS OWING TO SEICHI (SEIICHI, SERICHI) ANDO—continued

Creditor	Number	Amount
Sumi Murakosui	A4344831	$10.00
	A4344832	10.00
	A4344833	10.00
	A4344834	10.00
	A4344835	10.00
	A4344836	10.00
	A4344837	10.00
	A4344838	10.00
	A4344839	10.00
	A4344840	10.00
	A1358663	50.00
	A1358590	50.00
	A1358661	50.00
	A1358662	50.00
Sueji Nakano	A1367451	50.00
	A1367452	50.00
	A1367453	50.00
Yoshitaka Nakano	A6708661	20.00
	A6708662	20.00
	A6708663	20.00
	A6708664	20.00
	A6708665	20.00
	A6708666	20.00
	A6708667	20.00
	A6708668	20.00
	A6708669	20.00
	A6708670	20.00
	A6708674	20.00
	A6708675	20.00
	A6708676	20.00
	A6708677	20.00
	A6708678	20.00
	A6708679	20.00
	A6708680	20.00
Kosuye (Kasuye) Nomura	A0546147	100.00
	A0546148	100.00
	B4491580	10.00
Iwaguro Takiuchi (Tokuichi)	A6630041	20.00
	A6630042	20.00
	A6629958	20.00
	A6629959	20.00
	A0545741	100.00
Shizuno Tanji	A1366952	50.00
	A1366947	50.00
	A1366948	50.00
	A1366949	50.00
	A1366950	50.00
	A1366951	50.00
Tsugi Uyeki (Vyeki)	A0582015	100.00
	A0582016	100.00
Ikuko Yasui	A0546028	100.00
	A0546029	100.00

[F. R. Doc. 49-498; Filed, Jan. 19, 1949; 8:51 a. m.]

[Vesting Order 12598]

FRITZ GEYER

In re: Stock and receipt owned by Fritz Geyer. F-28-24128-D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Geyer, whose last known address is Wallhaeusen (Helme) Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Nine (9) shares of no par value common capital stock of Radio Corporation of America, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number WO-45852, registered in the name of Fritz Geyer and presently in the possession of the Attorney General of the United States in account number 28-200,316, together with all declared and unpaid dividends thereon,

b. One (1) receipt, bearing number 10467, for one-sixth (⅙) share of no par value common capital stock of Radio Corporation of America, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, said receipt being presently in the possession of the Attorney General of the United States in account number 28-200,316, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-499; Filed, Jan. 19, 1949; 8:52 a. m.]

[Vesting Order 12607]

SEIMENS-SCHUCKERT, LTDA.

In re: Debt owing to Siemens-Schuckert, Ltda. F-12-8-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Siemens-Schuckertwerke A. G., the last known address of which is Berlin-Siemensstadt, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany)

2. That Siemens-Schuckert, Ltda., the last known address of which is Santiago, Chile, is a corporation, partnership, association or other business organization, organized under the laws of Chile, and

all of whose capital stock is or since the effective date of Executive Order 8389, as amended, has been owned by the aforesaid Siemens-Schuckertwerke A. G., and is a national of a designated enemy country (Germany)

3. That the property described as follows: That certain debt or other obligation owing to Siemens-Schuckert, Ltda. by International General Electric Company, Inc., 570 Lexington Avenue, New York, New York, in the amount of $5,463.00, as of July 29, 1948, evidenced by a credit note X-58460 presently in the custody of W R. Grace & Co., 7 Hanover Square, New York 5, New York, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and all rights in, to and under the aforesaid credit note including the right to possession and presentation for collection and payment,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Siemens-Schuckert, Ltda. the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

4. That Siemens-Schuckert, Ltda., is owned or controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany) and,

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 49-501; Filed, Jan. 19, 1949; 8:52 a. m.]

[Vesting Order 12616]

ANNA ENGELMAN

In re: Estate of Anna Engelman, deceased. File No. D-28-12499; E. T. sec. 16709.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amelia Becker Meutter, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Anna Engelman, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by Meta Ruhle, as executrix, acting under the judicial supervision of the County Court of Kankakee County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-502; Filed, Jan. 19, 1949; 8:52 a. m.]

[Vesting Order 12658]

FRIEDRICH EDUARD MUELLER AND MULLER, PETZEL & COMPANY

In re: Debts owing to Friedrich Eduard Mueller, also known as Fred Mueller and Muller, Petzel & Company, also known as Mueller, Petzel & Co. F-28-4030-C-1/C-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Eduard Mueller, also known as Fred Mueller, whose last known address is Bremen, No. 29 Kohlhekerstrasse, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That Muller, Petzel & Company, also known as Mueller, Petzel & Co., the last known address of which is Bremen, Germany, is a partnership, corporation, association or other organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Bremen, Germany and is a national of a designated enemy country (Germany)

3. That the property described as follows:

a. That certain debt or other obligation owing to Fred Mueller, also known as Friedrich Eduard Mueller by Erich Lachmann, 115 Broadway, New York 6, New York, in the amount of $4,861.06 as of October 11, 1948, together with any and all accruals thereto and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and

b. That certain debt or other obligation owing to Muller, Petzel & Company, also known as Mueller, Petzel & Co., by the Cook & Company, 84 South Front Street, Memphis, Tennessee, in the amount of $8.96 as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-503; Filed, Jan. 19, 1949; 8:52 a. m.]

[Vesting Order 12661]

ELSIE WESEMEYER ET AL.

In re: Bank account owned by Elsie Wesemeyer, Elizabeth Wesemeyer and Emma Ebeling. F-28-24041-C-1, F-28-24041-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Exec-

utive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsie Wesemeyer, Elizabeth Wesemeyer and Emma Ebeling, each of whose last known address is Peine, Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of Cleveland Trust Company, Cleveland, Ohio, arising out of a Savings Account, account number 5047, entitled Carl Wesemeyer Trustee for Elsie and Elizabeth Wesemeyer and Emma Ebeling, maintained at the Pearl-Ridge branch office of the aforesaid bank located at Parma, Ohio, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elsie Wesemeyer, Elizabeth Wesemeyer, and Emma Ebeling, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-504; Filed, Jan. 19, 1949; 8:52 a. m.]

[Vesting Order 12672]

ERICH LAARHS ET AL.

In re: Bank account owned by Erich Laarhs, Karl Laarhs and Herta Laarhs. F-28-10876-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erich Laarhs, Karl Laarhs and Herta Laarhs, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of Mississippi Valley Trust Company, St. Louis, Missouri, arising out of a blocked account, entitled Detjen & Detjen, attorneys in fact for Erich Laarhs, Karl Laarhs, and Herta Laarhs maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Erich Laarhs, Karl Laarhs and Herta Laarhs, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 49-506; Filed, Jan. 19, 1949; 8:53 a. m.]

[Vesting Order 12674]

MRS. LOU H. SATOH

In re: Bank account owned by Mrs. Lou H. Satoh also known as Lou Harue Satoh. D-39-15345-E-1, E-2.

Under the authority of the Trading With the Enemy Act, as amended. Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Lou H. Satoh also known as Lou Harue Satoh, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows:

a. That certain debt or other obligation owing to Mrs. Lou H. Satoh also known as Lou Harue Satoh, by The First National Bank of Portland, 5th, 6th & Stark Streets, Portland, Oregon, arising out of a Savings Account, account number 40539, entitled Lou H. Satoh, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same; and,

b. That certain debt or other obligation owing to Mrs. Lou H. Satoh also known as Lou Harue Satoh, by The Bank of California, N. A., 400 California Street, San Francisco 20, California, arising out of a Savings Account, account number 35676, entitled Mrs. Lou H. Satoh, maintained at the branch office of the aforesaid bank located at Portland, Oregon, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-507; Filed, Jan. 19, 1949; 8:53 a. m.]